they did ratify it they remained as foreign nations to the other states. When the ratification was under consideration, there was much discussion as to the construction of various clauses, and most of the states were induced to give their assent by the hope of adoption of amendments explaining all ambiguities and objectionable clauses, and the ratification was accompanied with the recommendation of such amendments as were desired.

In passing the ordinance ratifying the Constitution, the Virginia convention adopted an explanatory preamble, declaring that when the powers delegated should be abused they would be resumed, and the New York convention accompanied the ratification with a declaration of the right to withdraw it. It is curious in view of subsequent events, that Massachusetts proposed as an amendment "That all powers not expressly delegated to Congress should be reserved to the states," and another "That no person be tried for any crime (cases in the military and naval service excepted) without previous indictment by a grand jury; and that in civil cases the right of trial by jury be preserved." The first of these was recommended by Virginia and South Carolina also, and the last by Virginia, and both were subsequently adopted as amendments to the Constitution on the recommendation of the first Congress, with only a change of phraseology not at all effecting their import. Massachusetts has changed her views since she asserted these doctrines of states' rights and civil liberty.

The Constitution of the United States left slavery in the states precisely where it was before, the only provision having any reference to it whatever being that which fixed the ratio of representation in the House of Representatives and direct taxation; that in reference to the foreign slave trade, and that guaranteeing the return of fugitive slaves. Had it been proposed to insert any provision giving Congress

any power over the subject in the states, it would have been resisted, and the insertion of such provision would have insured the rejection of the Constitution. The government framed under this Constitution being one of delegated powers entirely, those powers were necessarily limited to the objects for which they were granted, but to prevent all misconception, the 9th and 10th amendments were adopted, the first providing that "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people," and the other that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

It has now been shown how slavery originated in the United States and that the Federal Constitution left its regulation in every particular, where it belonged, that is to the several states where it existed, save only in regard to the foreign slave trade and the guarantee for the return of fugitive slaves as mentioned.

State action had already provided for the removal of slavery from several of the northern states, and this was followed, later, by a law adopted in New York in 1799, providing that all children of slaves born after the 4th of July of that year should be free, males at 28 and females at 25 years of age, and a law adopted in New Jersey in 1804, providing that all children of slaves born after the 4th of July of that year should be free, the males at 25 and the females at 21 years of age. This was the last of the acts for the emancipation of slavery where it previously existed and therefore, so far as regarded the original thirteen states, slavery was confined to Delaware, Maryland, Virginia, North and South Carolina and Georgia, except as to the remnants left in the other states by the acts for gradual

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THE HERITAGE OF THE SOUTH

Jubal A. Early

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THE HERITAGE *of* THE SOUTH

A HISTORY OF
THE INTRODUCTION OF SLAVERY
ITS ESTABLISHMENT FROM COLONIAL TIMES
AND FINAL EFFECT UPON
THE POLITICS OF THE UNITED STATES

By

JUBAL ANDERSON EARLY

MEMBER OF THE VIRGINIA CONVENTION OF 1861

PRESS OF
BROWN-MORRISON CO
LYNCHBURG, VA.

Editor's Note

A review is given, in the pages following, of the causes which led to the political issue of the '60s; an issue which will be open to argument until, in all of its bearings, it becomes understood through familiarity with the conditions of the past. Sentiment divorced from reason occasioned misconception. Many causes contributed to that effect. The lack of authentic records doubtless was one; certainly ill-advised publications inflamed, if they did not inspire, public opinion at this critical period.

The author was actuated by the desire to correct erroneous opinion in relation to the South. His manuscript has lain unpublished during the passing of half a century, till passion having cooled and prejudice abated, there is no longer reason for clash from difference of feeling upon the subject.

The African slave trade began in the year 1442, when Anthony Gonsalez, a Portuguese, took from the Gold Coast, ten negroes, which he carried to Lisbon. In 1481, the Portuguese built a fort on the Gold Coast, and as early as 1502, the Spaniards began to employ negroes in the mines of Hispaniola. In 1517, Charles V, Emperor of Spain, granted a patent to certain persons, for the supply of 4,000 negroes, annually, to the islands of Hispaniola, Cuba, Jamaica and Porto Rico. John Hawkins, afterwards knighted by Queen Elizabeth, got into his possession, partly by the sword and partly by other means, 300 negroes, and sold them in the West Indies. Hawkins' second voyage was patronized by Queen Elizabeth, who participated in the profits; and in 1618, in the reign of James I, the British

government established a regular trade on the coast of Africa.

When negotiations for the slave traffic were first agitated, the cost to the victim seems not to have been considered. The white man's need—or greed—demanded sacrifice. The negro, a product of the "three-cornered rum, slave and molasses trade" was brought to New England to a condition offering few advantages beyond certain comforts which were to be provided by the master who was to assume all the obligations of the position.

Wrenched from his home, separated from his people, exiled to a foreign land, which was governed by laws maintained through penalties, the enforced emigrant was set to labor in unaccustomed ways under uncongenial circumstances.

The experiment of settling him in a manufacturing section proved disadvantageous to the investor. The demand for field labor furnished a Southern market; this occasioned his removal to that part of the country, his aptitude for the work kept him there.

His insurrectionary spirit made his training difficult. It was a trial of endurance for master as well as apprentice, but custom and good treatment tamed the wild nature of the latter and converted him into an important factor in Southern industries; to this day none other has been found to take his place in cotton or tobacco field.

He was also a form of property, and laws were made in that connection. That instances of abuse on the part of the owner arose was axiomatical—such is the history of life in every sphere, and that was neither a Utopian age nor country.

Having served its aim, the slave trade diminished, then ceased. The attitude of those engaging in and encouraging it altered, the base of operations changed, and there remained only the people of the slave-holding states (upon

whom now fell the responsibility of the support of these nation wards) with any reason for interest in the subject. Perhaps it was inevitable that diverging interest should arise to cause the politics of the country to become affected through distrust of those who owned that particular form of property.

Originally acquired as a necessity, the slave's value lessened and the burden on his master increased, as other interests divided his attention. Legislation was resorted to without success in the enactment of measures for the abolishment of a system so firmly rooted.

In 1805, Mr. Jefferson wrote "I have given up all expectation of any early provision for the extinguishment of slavery among us. There are many virtuous men who would make any sacrifices to effect it, many equally virtuous who believe it cannot be remedied." In 1814, however, Mr. Jefferson again urged the policy of emancipation.

That many owners were in sympathy with this proposed disposition of a vexed problem, is manifest from the records of the courts, which show that slaves were sent to Liberia, settled in the free states, permitted to purchase their freedom, bequeathed land and liberty by the masters who had held them.

A strange condition existed in the holding of slaves by free negroes. These were to be found in nearly all of the colonies and states where there were slaves. In some counties they were numerous, while in others they were unknown. In certain states this condition was at times forbidden by law, but often continued in spite of the law, tolerated or ignored; the laws upon the subject also varied from time to time. In other states free negroes were given the privilege of being masters by special statute or this liberty was covered by general laws.

Certain good was accomplished by the transportation of the African savage to a congenial clime among those who

trained him to become a useful citizen. Under the tutelage of his master, he was guided, stage by stage, along the pathway to civilization by the law he recognized in his native land—that of coercion—till he attained his present status. Standing upon this vantage ground, it remains for him to work out his further advancement and to discover the position he can maintain. In the fact that some have made strides forward, and thus fitted themselves as leaders of the race, lies the hope and inspiration for the rest, an encouraging factor being the imitative faculty with which many are gifted.

Criticism today discovers that in the portrayal of the character of "Uncle Tom" Mrs. Stowe paid a glowing tribute to the achievement of the Southern master. Africa has not done as much for the brother left upon her soil, nor has the foreign missionary. We may still read of such practices as cannibalism on the western coast of the dark continent—even along the trail of the religious enthusiast. Taking then into account what has been accomplished, the claim that the Southern master was the most successful missionary can easily be proved.

We have no doubt but that some cause other than the avarice of the white man led to the rescue of the man of color from a life of ignorance and barbarism—to his expatriation to this country of opportunity—to his settlement under apprenticeship calculated to encourage self-helpfulness by developing his capabilities. To this end he passed through the probationary period of servitude.

General Early's review of the situation previous to the war, as here presented, illustrates the point of view of the people of the South. His attitude towards slavery took its color from his familiarity with the institution as it existed in the homes of those to whom it had become a natural condition of life. It was so incorporated with their daily living, and with the traditions of generations, that

they became accustomed to it without considering the reasons for its establishment.

The author was never an investor in slaves, although he always possessed a negro servant. One who served till age enfeebled him, was retired on a pension. Another, cut short in his service by fatal disease, was respectfully followed to his last resting place by the master upon whom in health he had attended. His thoughtful care of his attendants and his liberality when trouble overtook them, won their affection and respect.

It may be understood then that interest in slaves as property did not enter into his defense of slavery as an institution of his country. No selfish thought prompted the use of his pen in the exposition of the unfairness of opinion abroad—but, imbued with a keen sense of right, he was actuated by the desire to dissipate that injustice which took possession of many minds—coloring their views and proving barriers to their sympathies.

To make clear his point of view by stating the true conditions which brought about slavery in the South and to define the relation which existed between master and slave, was the purpose of General Early in writing this real story of slavery as it was established in America, and as it continued to exist in that section of which it became the heritage.

R. H. Early.

Contents

Come now let us reason together

The Heritage *of the* South

CHAPTER I

The African Slave Trade

The struggle for independence made by the Southern States of the American Union, grew out of questions of self government arising mainly in regard to the institution of African slavery as it existed in those states, and as that institution was the occasion for the development of the difficulties which led immediately to the struggle, the conduct of the states lately forming the Southern Confederacy has been misunderstood, therefore, misrepresented, with the effect of casting upon them not only the odium of originating the war, but even for the existence and continuance of slavery itself.

Much misapprehension has existed in the minds even of intelligent foreigners upon these subjects and it is therefore not inappropriate to take a retrospective view of the history of slavery in general and especially of the slave trade and of slavery in the United States, as well as of the questions which led to the secession of the Southern States and to the war consequent thereon.

It is said that the Portuguese began the traffic in slaves on the coast of Africa in the 15th century, and that at the beginning of the 16th century negro slaves had become quite common in Portugal.

After the discovery of America, the Spaniards made slaves of the Indians and employed them in their first settlements in the newly discovered country, but the supply not being found sufficient and the Indians not being very well adapted for the purpose in the tropical regions, negro slaves were introduced from Africa—the first being im-

ported into Hispaniola (St. Domingo), in the year 1503. The example of Spain in regard to the use of negro slaves in her American Colonies was followed by all the other nations of Europe, who undertook the colonization of the newly found continent and islands, to-wit: the Portuguese, English, French, Dutch, Danes and Swedes.

Sir John Hawkins, an English admiral and adventurer, was the first Englishman known to have engaged in the African slave trade, and he carried his first cargo to the Spanish West India islands about the year 1562. Report says that Queen Elizabeth became a partner in and shared the profits of his subsequent voyages in the prosecution of the trade. From that time the African slave trade became a regular branch of English commerce, and was conducted in its first stages principally under monopolies granted to companies, in the profits of which members of the Royal family, noblemen, courtiers and churchmen, as well as merchants, shared, as was the practice in those days in all important branches of commerce.

From the restriction under Charles II, the African trade, including that in slaves, was monopolized by the *"Royal African Company"* for a number of years; and that company built and established, on the coast of Africa, forts and factories for the purpose of facilitating and protecting the trade; but in the year 1698, the slave trade was thrown open to private traders, upon the payment to the company of a certain percentage towards the support of its forts and factories.

The growing demand in Europe for colonial products now gave a new impulse to the slave trade, and its profits were very great. It was not only recognized by the government, but was sustained by the universal public sentiment in England, and was fostered and cherished by Parliament as a lucrative traffic.

In the year 1713, by the treaty of Utrecht, the *Assiento*, a contract originally entered into by the Spanish government with a company of French merchants for a monopoly by the latter of the trade in slaves to Spanish America, was assigned to the South Sea Company. By the terms of this contract 4,800 negro slaves were to be furnished to the Spanish colonies annually for thirty years, the company being privileged to introduce as many more as could be sold.

In this company Queen Anne and the King of Spain became stockholders, as did a large portion of the nobility, gentry, churchmen, and merchants of England. England thus sought a monopoly of the entire slave trade, at least so far as her own and the Spanish colonies were concerned. The exclusive privileges granted to the Royal African Company having expired, in the year 1750 the British Government undertook to maintain the forts and factories on the African coast at its own expense, and the slave trade was thrown open to free competition on the part of its citizens. A great increase of the trade now took place, and England had become the leading nation in that trade, which was carried on chiefly from the ports of Bristol and Liverpool, but other ports including that of London shared in it—the West Indies furnishing the principal market, but a considerable number were also introduced into the colonies of North America.

In the meantime the Puritan settlers in New England, under the allurements of the high profits of the trade, had been tempted to engage in it from the time of the earliest settlements there, which they did by evading the monopolies and restrictions in favor of English merchants, and as New England rum was mainly used in the traffic, by the Puritans. the Parliament of Great Britain had, at the instance of English merchants, passed an act, called the "Molasses

Act" imposing duties on molasses, sugar and rum imported into the colonies from the French and Dutch West Indies, for the purpose of preventing interference with the English trade in slaves.

Numerous acts of the colonial legislatures imposing duties on the importation of slaves, had also been vetoed or repealed by royal proclamation, because they were regarded and styled "impediments to British commerce not to be favoured," and all such acts continued to be vetoed and repealed down to the time of the American Revolution, except in the solitary case of Virginia, when, after repeated acts imposing such duties had been vetoed or repealed, privilege was finally given to the colonial legislature in 1734, to impose a duty to be paid by the colonial *purchaser* and not the English *seller*.

But it was not by fostering the slave trade and prosecuting any restrictions on it, only, that the British government made itself responsible for African slavery in its American colonies. In the year 1730 seven of the principal Cherokee Chiefs from the unsettled country west of South Carolina, were carried to England by Sir Alexander Cumming, and while there they were induced to enter into a treaty with the Board of Trade then having charge of colonial affairs, by which provision was made for the return to their owners, by the Indians, of all runaway slaves; and in the year 1732, an act of parliament was passed "for the more speedy recovery of debts in America" by English creditors, among the provisions of which was one subjecting slaves to execution in judgments for all demands. While England thus became so identified with the introduction of African slavery into America, all the commercial nations of Europe were likewise implicated in the trade; and if England took the lead in it, that fact was owing to the superior intelligence and energy of her merchants and

traders, and not to any qualms of conscience on the part of other nations.

In fact during the 16th, 17th and 18th centuries, until towards the close of the latter, when a very few "philanthropists" appeared, there was no sentiment in any Christian or unchristian country which regarded the reduction of the negroes of Africa to slavery as opposed to moral right or religious duty, or in any other light than as a blessing to the negroes themselves and a great benefit to their owners.

It is a fact, not undeserving of notice, in reviewing the conduct of England in forcing African slaves upon her American colonies, that during the whole period from the settlement to the revolt of those colonies, all trade with them to and from Ireland was absolutely forbidden, and hence it is that the Irish formed so inconsiderable an element in their population previous to the Revolution. The native Irish were then regarded by their rulers as having but few more rights than the negroes of Africa.

Having thus briefly shown the origin and progress of the slave trade, I will now trace the settlement of the colonies, which afterwards became the United States, and the introduction of slavery into them.

CHAPTER II

Origin of Slavery in the United States

The first permanent settlement within the limits of the United States—as they became afterwards—to be established, was that of Florida, which was begun by the Spaniards in the year 1564. Slavery was introduced into Florida, as it was into all the Spanish colonies, and that colony remained under the control of Spain until the year 1763, when it was ceded to Great Britain, at the close of the war which resulted in the cession of Canada, and the territory east of the Mississippi by France to the same power, but in 1783, after the recognition of the independence of the United States, Florida along with that part of Louisiana east of the Mississippi and south of the 31st degree of latitude, which had been ceded by France, was receded to Spain, and remained a Spanish colony until the year 1821, when it was ceded to the United States; slavery continuing to exist there under all these changes.

The next permanent settlement in point of time, was that of Virginia by the English in the year 1607. In the year 1620, twenty negro slaves were brought to Jamestown in Virginia by a Dutch man-of-war and sold to the colonists, but the number of slaves in that colony remained so small for a long time, that there was no legislative enactment recognizing the existence of slavery for more than forty years after the first introduction of it.

The reduction of Indians to slavery was prohibited in Virginia from the beginning, and in the year 1658 by the revised laws adopted in that colony, the Indians were protected in the possession of their lands, and in order to secure the Indian children, placed with the colonists for

education, from being sold as slaves, the transfer of their service was forbidden. In the revised code adopted in 1662, very humane provisions were contained for the protection of the Indians, in the enjoyment of their lands, and it was enacted that no Indians entertained as servants should be sold into slavery for a longer period than English indented servants of like age. In the same year, the first act was passed by the colonial legislature recognizing the existence of slavery, and it was to the effect that children should be held as bond or free "according to the condition of the mothers."

This law recognized the generally received principle that slavery was valid according to the laws of nations, but did not itself enact slavery. That principle prevailed universally, all over the world at that time, and had prevailed since the foundation, being recognized in the bible.

In the year 1667, a law was passed providing that negro slaves converted and baptized should not thereby become free. The motive for the adoption of this law, was to secure to slaves religious instruction, as an idea prevailed among some that it was not lawful to hold a Christian in slavery, and it was apprehended that masters might be indisposed, under such impressions, to encourage their slaves to become converted. In the same year it was provided by law that "all servants, not being Christians, imported by shipping shall be slaves for life."

In 1671, there were in Virginia, according to a statement furnished by Governor Berkeley, 40,000 inhabitants, including in that number 2,000 "black slaves" and 6,000 Christian servants. The latter consisted of English servants brought into the colony as indented servants for a term of years, and sold—as was the practice in all of the colonies at that day—to pay the expenses of their passage.

During what was known as Bacon's rebellion in 1676, the Virginia Assembly, acting under the coercion of Bacon's followers, passed an act for the prosecution of a war against the Indians, and one of its provisions was that all Indians taken prisoners in war should be held and accounted slaves for life. This was the first and only provision of the laws of that colony authorizing the reduction of Indians to slavery, though Indian slaves, not being Christians, brought in by shipping might be held, under the law of 1667; but there were no slaves made under this forced enactment of Bacon's, as the war was not prosecuted, the rebellion having come to an end, by the death of its leader, the same year.

A law was enacted in the year 1682, by which negroes, Moors, mulattoes or Indians, brought into the colony as servants, by sea or land, were recognized as slaves "whether converted to Christianity or not, provided they were not of Christian parentage or country, or Turks or Moors in amity with his majesty."

In the year 1692, an act was passed providing for "a free and open trade for all persons, at all times and at all places with all Indians whatsoever," under which the Virginia courts decided that no Indian could be reduced to slavery, or brought into Virginia as a slave, after the passage of the act.

In the revised Code of Virginia, adopted in the year 1705, is contained the final enactment upon the subject of slavery during the colonial state, except some acts imposing duties on imported slaves, and by that enactment it was provided that "all servants imported or brought into this country by sea or land, who were not Christians in their native country (except Turks and Moors in amity with his majesty, and others who can make due proof of their being free in England or any other Christian country

before they were shipped in order to transportation thither) shall be accounted and be slaves, notwithstanding a conversion to Christianity afterwards"; and it was further provided—as in the first act on the subject—for "all children to be bond or free according to the condition of their mothers."

The Virginia Assembly had passed, from time to time, acts imposing a duty of twenty shillings a head on all imported slaves, and this being renewed in 1723, was repealed by royal proclamation, but the Board of Trade in England intimated that they had no objection to a duty on imported negroes, provided it was exacted from the colonial purchaser, and not from the English seller; and in 1734 an act was passed imposing a duty of five per cent. to be paid by the purchaser, which was subsequently increased and reached as high as twenty per cent.

In the year 1772, the House of Burgesses of Virginia adopted an address to George III, declaring the importation of negroes from Africa to be an inhuman trade and asking that all restraints be removed from the passage of acts to check "that pernicious commerce," which request was not granted.

After the commencement of the difficulties which led to the Revolution, the Virginia convention, which assembled the 1st of August, 1774, and took upon itself the actual management of the affairs of the colony, adopted among its first acts, a resolution to import "no more slaves, nor British goods, nor tea." Practically this resolution put an end forever to the African slave trade so far as Virginia was concerned, and its abolition was subsequently confirmed during the war of the Revolution by a more formal act passed by the legislature in the year 1778, prohibiting the importation of slaves from any quarter, whether by sea or land, and providing that all brought into the State

in violation of the law should be free. Slaves brought in by citizens of other of the United States coming into Virginia as actual residents, and those inherited by citizens of Virginia in other States of the Union and brought in by them being exempted from the operation of the act. In addition to the grant of freedom to the slaves themselves heavy penalties were imposed on both the buyer and seller who violated the act. In adopting this prohibition, Virginia was ahead of all the States in the Union except the little State of Delaware, and its action preceded the abolition of the slave trade, by England, thirty years.

The citizens of Virginia had never engaged in the slave trade as importers, and were merely the purchasers from others—its legislature being prohibited from interfering with the trade.

About the year 1610, trading posts were established by the Dutch within the present limits of New York, and the name of New Netherland was given to the territory claimed, including that of New York, New Jersey, or the Jersey, and some other. Actual colonization began within the present limits of New York, under the authority of the Dutch government in the year 1629, the traders located in those limits having been previously engaged only in trade with the Indians. Slavery was introduced with the first settlers and was recognized and protected by law. In the year 1664, New Netherland was conquered from its Dutch rulers, by an English expedition under the authority of the Duke of York, subsequently James II, to whom a royal grant of the territory had been made. The province of New York was then created out of New Netherland, though it came again, temporarily, under the Dutch for portions of the years 1673 and 1674.

Slavery was continued as it before existed until after the Revolution. Vessels were fitted out in the port of New York (first called New Amsterdam), for the slave trade at an early period, and the merchants of that city engaged in it without scruple; some of them continued to be so engaged until the traffic was prohibited by Congressional enactment.

The settlement next in point of time was that of Plymouth, in the year 1620, within the present limits of the State of Massachusetts. Slavery of the Indians and also of negroes existed in this province from the beginning. The settlement at Plymouth by the passengers of the May Flower, though first in point of time, was not by any means, the leading one in Massachusetts, and the Province of Plymouth played comparatively an unimportant part in the history of Massachusetts. The main settlement in that colony was made in the year 1629, by John Winthrop and his followers, Puritans emigrating directly from England, professedly for the purpose of securing to themselves, and their posterity, religious freedom. It was this settlement which gave tone and character to Massachusetts, as well as to all the other New England provinces, which were chiefly offshoots from Massachusetts.

Though professing to be seeking a home in this wilderness for the purpose of enjoying and establishing religious liberty, the settlers of Massachusetts established as proscriptive and despotic a theocracy as the world has ever seen. A celebrated humorist has aptly said that their idea of religious liberty consisted in enjoying their own opinions to the fullest extent and preventing any body else from enjoying theirs.

Under their charter a government was established by the colonists at Massachusetts Bay, which was entirely theocratic in form and substance. To be a freeman, that is a

citizen and voter, it was necessary to be a member of the established church, which was the Congregational, and was supported at the public expense. The members of that church claimed to be God's elect, and they showed no mercy to any other sect and allowed of no dissent whatever; all others were heretics or heathens.

From the beginning, the colonists at Massachusetts Bay, as well as those at Plymouth, regarded the "heathen around them" and all their possessions as fit spoil for the "Saints." Accordingly they began at a very early period to help themselves. In the year 1637, in a war begun against the Piquods, that tribe of Indians was exterminated by slaughter and capture. Of several hundred prisoners taken, the adult males, constituting but a small portion of the captives, were sent to the West Indies and sold into slavery, while the women and children were distributed among the colonists as slaves also; this was done by the constituted authorities.

These colonists commenced the building of ships in the year 1634, and engaged in commerce, the African slave trade, being, from the beginning, a part of that commerce. By the year 1640, six large vessels had been built, and fitted out by the Boston merchants, which were sent on voyages to Spain, Madeira and the Canaries with cargoes of fish and staves, and brought back, among other things, cargoes of negroes from the coast of Africa for sale at Barbadoes and the other British West India Islands.

It was not a great while before the religious persecution in Massachusetts drove off a number of dissenters from the established faith, among them being the celebrated Roger Williams, the founder of the Baptists in America. These "heretics," as they were called, took refuge within the present limits of Rhode Island, where they established, at different points, separate governments for themselves, all of

which were subsequently merged in that of Rhode Island. Emigrants from Massachusetts also established themselves at different points in the present limits of Connecticut and formed two separate governments, one called New Haven and the other Connecticut, which were afterwards united under that of Connecticut. Massachusetts set up a claim of jurisdiction over all of these settlements, but finally had to abandon it.

In the year 1641, the general court of Massachusetts, in which the legislative power was vested, adopted a code of fundamental laws called "Fundamentals" or "Body of Liberties," which were compiled from two separate drafts reported by those "Godly ministers," "the great Cotton" as he was called, and Nathaniel Ward, who had been appointed commissioners for that purpose. One of the "Liberties" provided that "There shall never be any bondslavery, villanage nor captivity among us, unless it be lawful captives taken in just wars, and such strangers as willingly sell themselves or are sold unto us, and these shall have all the liberties and Christian usages which the law of God, established in Israel, requires. This exempts none from servitude who shall be judged thereto by authority." This surely was a one-sided idea of religious liberty; the "elect" gave themselves abundant liberty to do as they pleased in the matter. This "Fundamental" was twenty years in advance of any legislative enactment in Virginia recognizing the existence of slavery.

A confederacy was formed, in the year 1643, between the colonies of Massachusetts, Plymouth, Connecticut and New Haven, called the "United Colonies of New England" into which the "heretics" of Rhode Island were not permitted to enter. Slavery existed by law everywhere now in New England, including Rhode Island, and one of the stipulations of the compact, by which the United Colonies were

bound, was that fugitive servants or slaves should be delivered up when fleeing from one province to another. The stipulation was almost in the identical terms of that long afterwards incorporated into the United States Constitution upon the same subject.

The harsh treatment pursued towards dissenters, including the most delicate females, who were sometimes stripped naked and whipped through the streets, and the trials and execution of persons as witches, furnish revolting details of the conduct of the "elect," but it is not intended to refer more particularly to that here. One fact, however, in regard to the history of Virginia and Massachusetts may be properly mentioned—as descendants of the latter's colonists have arraigned at the bar of public opinion, the people of Virginia, as well as the whole South upon the subject of slavery—and that fact is very suggestive.

In the year 1644, the Indians in Virginia, under the instigation of Opechancanough, successor of Powhatan, undertook to exterminate the colonists in that province, when five hundred persons, who were engaged in celebrating a victory of the king over the Parliamentary army in the war then raging, were massacred at the first surprise. A ship was sent to Boston to procure powder for the defence of the colony, but the general court declined to furnish it. This refusal was owing to the fact that the people of Virginia sympathized with the king in the pending struggle, and to the further fact that three ministers sent out from New England at the instance of some of the "elect," who had found their way into Virginia, were sent out of the province by Governor Berkeley for violating the law—Governor Winthrop declaring that the massacre of the Virginians was a punishment "for their reviling the Gospel and those faithful ministers."

A law was adopted in Connecticut, 1650, for selling debtors for debt, which remained in force more than a century and a half; and at the same time a law was adopted, upon the recommendation of the commissioners for the United Colonies of New England, providing that Indians refusing or neglecting satisfaction for injuries might be siezed and delivered to the party injured "either to serve, or to be shipped out and exchanged for negroes, as the case will justly bear." About this time, the "heretics" at Warwick, one of the settlements in Rhode Island, complained that the authorities of Massachusetts had instigated the Indians to commit depredations upon them, and Easton, subsequently governor of Rhode Island, was reported to have said of the people of Massachusetts, that "the elect had the Holy Ghost and the devil indwelling." Upon hearing of the execution of two persons for witchcraft, the people of Warwick exclaimed "There are no witches on earth, nor devils, but the ministers of New England and such as they."

In 1676, a large number of captives, taken in the war against King Philip, in which all of New England was united, were made slaves of, many of them were sent from Boston to Bermuda and sold, including the infant son of King Philip, who, some of the most prominent ministers insisted, should be slain for his father's sins, though the more remunerative expedient of selling him was adopted. The captives who fell into the hands of the Rhode Islanders were distributed as slaves, and Roger Williams, the expelled "heretic" from Massachusetts, received a boy for his share. A large body of Indians assembled at Dover, at the conclusion of the war, to make peace, were treacherously captured and some two hundred of them were sent to Boston, where some were hung and the rest shipped off to be sold as slaves.

In the reign of James II, the charter of Massachusetts was vacated by legal proceedings, and in the year 1691, a new charter was issued providing for the appointment of the governor by the crown and for toleration to all religious sects. This gave great dissatisfaction to the ruling church; and the theocratic power was in a great measure destroyed, but the controlling influence of the old religious party still prevailed in the general court, though restrained by the royal governor. By this charter the province of Plymouth was incorporated with that of Massachusetts, as was the district of Maine, but New Hampshire, previously under the government of Massachusetts, was soon created into a separate province.

In 1701, the town of Boston instructed its representatives to propose "putting a period to negroes being slaves," but no action was taken, and these scruples were very short lived, the enslaving of Indians and the prosecution of the slave trade being still continued. The manufacture of New England rum, which was in progress, furnished a very easy means of prosecuting the trade, as that article was freely exchanged on the coast of Africa with the natives for slaves. One part of the inhabitants being imbruited by the detestable liquor, while the other was carried off into bondage. The traders of New England, composed of all classes, including church dignitaries, participated largely in the profits resulting from the impulse given to the slave trade in 1698, and it was sustained by public sentiment in those colonies as well as in the mother country.

In 1704, in the intercolonial war with Canada, Massachusetts offered a reward of $66. per head for Indian prisoners under ten years of age and double as much for older prisoners or for scalps.

In 1712, Massachusetts passed an act prohibiting the further importation of Indian slaves on pain of the forfei-

ture of the slaves, but this prohibition did not arise from feelings of humanity for the Indians; the reasons given for it were, that the Indians were "of a surly and revengeful spirit, rude and insolent in their behavior, and very ungovernable" and because "this province being differently circumstanced from the plantations in the islands, and having great numbers of the Indian natives of the country within and about them and at this time under the sorrowful effects of their rebellion and hostilities."

The merchants of England having complained that the New Englanders were infringing upon their rights by engaging in the slave trade, which the New England traders now mainly carried on with rum, for the manufacture of which molasses was imported from elsewhere than the British West India Islands, an act of Parliament was passed in 1733, imposing a duty on molasses, sugar and rum imported from the French and Dutch West Indies. This act was called the "Molasses Act," and was the first of the series of Acts bringing about the discontent which led to the Revolution. The traders of New England managed to elude this act as they had done the restrictions put upon the slave trade for the benefit of the English merchants. The manufacture of rum and the trade from all the ports of New England still continued with great activity up to the commencement of the Revolution, and served to build up the commerce of that section, as the same trade had built up the commerce of the mother country.

Some slaves were imported into all the New England colonies, but as there was not very profitable employment for them there, and it was vastly more remunerative to sell than to work them, the former was preferred to the latter mode of dealing with the subject and in it they found a rich reward. The markets for the slaves were found in the West Indies and in the Southern colonies, where the soil,

climate and productions were much more suitable for African slave labor, than in the cold regions of the north. There were, however, in the year 1754, 2,448 negro slaves in Massachusetts over 16 years of age, 1,000 of them being in Boston, and the whole number exceeded 4,000, while in Connecticut and Rhode Island the proportion of slaves to the white population was greater than in Massachusetts.

Maryland was settled under the proprietorship of Lord Baltimore in the year 1634, and slavery was introduced into that colony also, the laws recognizing and regulating it being very similar to those of Virginia. In 1649, an act was passed by which the kidnapping of Indians to make them slaves, was made felony, and in 1663, the first act recognizing slavery was passed, being similar in its features to that of Virginia. The people of Maryland did not engage in the slave trade and were merely purchasers.

The first settlement in the Carolinas was within the limits of what became South Carolina, and was made in the latter half of the 16th century by French Huguenots, but that settlement proved a failure. An attempt to make a settlement in North Carolina under the auspices of Sir Walter Raleigh also proved abortive. The first permanent settlement in North Carolina was by Virginia emigrants to the northern part of it, some years previous to the charter, which was granted to some English noblemen and others for both of the Carolinas. In 1665, North Carolina was taken possession of under this charter, and a government was established therefor. In 1670, South Carolina was permanently settled. Though embraced in the same charter, North and South Carolina now became separate provinces with distinct governments. Slavery was introduced into both provinces and was recognized by law; the number of slaves

continuing to increase as the population increased and the capacities of the soil became known, which proved to be very suitable for slave labor. There was nothing special in the history of slavery in these provinces during the colonial state. The people did not engage in the slave trade, but were merely purchasers from English and New England traders; nor did they make slaves of the Indians by whom they were surrounded.

The first settlers within the limits of New Jersey were Swedes, who came over prior to 1630. New Jersey, or East and West Jersey as it was called then, was settled in 1665 by English emigrants, and two governments were organized therefor under grants from the Duke of York, which were subsequently consolidated into one. Slavery was introduced into that province as it had been in all of the others, but the number of slaves did not become as numerous as in the more Southern colonies, because the soil and climate were not as suitable for slave labor.

Pennsylvania was settled in 1682 under the proprietorship of William Penn, and the government was organized by him, including within its jurisdiction Delaware also. Slavery was introduced into this colony, and slaves were held without scruple by the Quaker followers of Penn. In 1692, George Keith, a Scotch Quaker who had been the champion of the Quakers against their persecutors—the Reverend Cotton Mather of witch notoriety, and the other Massachusetts divines—attacked negro slavery as inconsistent with Quaker principles. For this he was "*disavowed*" by the yearly meeting of the Quakers of Pennsylvania, as a schismatic, and he instituted a meeting of his own called "Christian Quakers." For publishing a reply to a publication against him, he was fined by the Quaker magistrates of Philadelphia and he subsequently became disgusted

with the whole sect, turned Episcopalian, went to England and took orders there, and was one of the first missionaries sent to the American colonies by the "Society for propogating the gospel in foreign parts."

In 1699, Penn proposed to provide by law for the marriage, religious instruction and kind treatment of slaves, but he met with no response from the Quaker legislature of Pennsylvania. The "spirit" had not then moved the Quakers to "bear their testimony" against slavery and consequently they did not "testify." In 1712, the legislature imposed a duty of £20 on all negroes and Indians brought into the province by land or water, a drawback to be allowed in case of re-exportation within twenty days, and slaves brought in and concealed were to be sold. This act did not owe its origin to abhorrence of slavery itself, but was passed in a fright at some alleged plots for insurrections, which were apprehended in consequence of one which had been discovered in New York. The act was disallowed by Queen Anne, and the same legislature replied to a petition in favor of emancipating the negroes, "That it was neither just nor expedient to set them at liberty." This was the only "testimony" borne by the Quakers of Pennsylvania against slavery prior to the war of the Revolution.

Delaware was originally settled by Swedes at the same time the settlement was made in New Jersey, and it had been embraced under the same government with Pennsylvania at the time of Penn's settlement, but it was made a separate province, by his consent, in the year 1691. Delaware is entitled to the credit of being not only the first of the provinces but the first country in the world to adopt an express enactment prohibiting the introduction of slaves within its limits. This it did in the year 1771, but the act was vetoed by Governor Penn, the grandson of Wm. Penn,

and the representative of the crown. The prohibition was incorporated into the first State Constitution adopted in the year 1776. Delaware was, however, a slave colony and remained a slave State.

The first permanent settlement within the limits of the territory of Louisiana, which embraced a very large tract of country, was made under the auspices of D'Ibberville, a French Canadian, at Mobile, within the limits of the present State of Alabama in the year 1702. Bienville, governor of Louisiana, located New Orleans, the first permanent settlement within the limits of the State of Louisiana, in the year 1718. Slavery was introduced into the province of Louisiana under the direction of the French government, a contract being made for that purpose with Anthony Crozat, a French merchant, to whom the province and a monopoly of its trade were granted. Crozat resigned his patent in 1717, and a monopoly of the trade for twenty-five years was granted to "the company of the West," commonly called "The Mississippi Company," with which the famous Law was connected. By its contract, the company undertook to introduce 6,000 whites and half as many negro slaves into the province. Slavery thus became established in Louisiana under the express stipulation of the French government, and continued to exist under its authority. In 1763, by the treaty made between England, France and Spain, at the close of the war in which all three nations had been engaged, France ceded to England, Canada and all of the territory east of the Mississippi river, except the island of Orleans, and to Spain all of Louisiana which had not been ceded to England, while Spain ceded Florida to England. In 1783, England re-ceded Florida to Spain, and at the same time ceded to the same power that part of Louisiana north of the 31st degree of latitude which had been

acquired from France. The parts of the original province of Louisiana thus re-united, remained a Spanish province until the year 1801, when it was re-ceded to France, and in 1803 it was ceded to the United States. Slavery had continued to exist in the province, and the different parts of it, and to be recognized as legal, during all of these changes.

In 1733, Georgia was settled under the patronage of General Oglethorpe, of the British Army, and it was intended as a humanitarian scheme for furnishing refuge to impoverished meritorious persons, and persecuted Continental Protestants. The territory, together with the power to legislate for twenty-one years, was granted to trustees resident in England. The trustees at first prohibited the introduction of slaves, but under the humanitarian ideas with which the colony was begun, it languished and proved a miserable failure until the year 1749. The trustees were then induced to permit the introduction of slaves, at the instance, among others, of the celebrated preacher, Whitfield, and his follower, Habersham, who earnestly interceded for the permission—Habersham stating as a reason for the introduction of slavery that "Many of the poor slaves in America have already been made freemen of the Heavenly Jerusalem."

Slavery was thus introduced into Georgia, and the Colony began at once to prosper and advanced with rapid strides.

The institution of slavery, it will thus be perceived, existed at the time of the Revolution, not only in all of the revolting colonies, acknowledged by law and sustained by public sentiment at home and in the mother country, but it existed in all of the territories, which afterwards became a part of the United States, and was sanctioned by the sentiment of all of the Christian world.

But before this review of the slave trade and of slavery in the British colonies in North America, is closed, it is proper that England should receive credit for one incident in her judicial history in regard to the subject. In the year 1763, the celebrated case of Somerset, a slave who had been carried to England by his master from one of the British West India Islands, came up before Lord Mansfield in Westminster Hall on a writ of *habeas corpus,* and that distinguished Chief Justice of the King's Bench, in delivering his opinion discharging the petition, said: "The air of England has long been too pure for a slave, and every man who breathes it is free."

This declaration is the source of much pride to Englishmen and Lord Campbell in his "Lives of the Chief Justices" goes into ecstasies over it. It is regarded as the enunciation of the great principle that the common law of England establishes universal freedom, and that wherever it prevails it knocks the shackles from the slave and turns him loose, a free man. Yet it was most probable that Somerset himself, and it was certain that his ancestor, if not himself, had been carried from Africa, in a ship that had been fitted out under the protection of that very common law by men breathing that same pure air, and sold into slavery in a colony to which the same law under which he was released, had followed the colonists. Was ever so absurd a farce enacted as that which was enacted by the Chief Justice of England, when he announced in Westminster Hall before the assembled bar of London, that the air breathed by a nation of slave-traders was too pure for the slave himself. None but an Englishman would have failed to discover its absurdity. Where then, was that "genius of universal emancipation" referred to at a later period at the Irish Bar by Curran, in such eloquent language, that it did not waft these words on the wings of that pure air across

the channel to the Emerald Isle, to the coasts of Africa, to the plantations of America and the West Indies, or to the banks of the Ganges? Could not a breath of that pure air be afforded at least for the ships of the British Navy, then so sedulously guarding English slave ships through the horrors of the "Middle Passage" from French cruisers? No! that pure air was "fixed air" which could not extend beyond the shores of England, and the wings of the "genius of universal emancipation" were so clipped that it was a more clumsy domestic bird than the barnyard fowl.

At the same time that these celebrated words were uttered in Westminster Hall, the ministers of State, and king, lords and commons in Parliament, were cherishing with a fostering hand that very trade which had consigned Somerset to slavery, and was then consigning thousands upon thousands of his native countrymen to the same fate while the boasted navy of the "Mistress of the Seas" was escorting the human cargoes in safety and triumph to their destination, and in the colonies writs and executions were being issued, according to forms framed in Westminster Hall, to enforce from the sale of the bodies of human beings, the collection of debts, due to men who breathed the "pure air of England," and prided themselves on the liberties of the common law.

This decision of Lord Mansfield was one of those acts of judicial legislation for which he was so famous, and it was not the law. Quite as able judges as himself had previously decided the validity and legality of slavery even in England, and Lord Stowell, as able a judge and purer man than he was, subsequently ruled very differently from the decision in the Somerset case. England had no use for slaves at home, as her toiling millions supplied every demand for labor or service. Had it been to her interest to have had African slaves within her own limits, her pure

air would have accommodated itself to their constitution. She never sacrificed her material interests to her philanthropy. Notwithstanding the decision of Lord Mansfield, it was twenty-five years before the prime minister of England (the younger Pitt) ventured to go even so far, as to bring in a bill to mitigate the horrors "of the Middle Passage," by limiting the number of slaves to be taken on board a ship—it was forty-five years before another prime minister ventured to advocate the abolition of the slave trade, and seventy-one years before slavery was abolished in the limited slave colonies left to England after the American Revolution, and that was not done until this small interest was so far overshadowed by other interests as to make it of no importance to her.

CHAPTER III

Legislation on the Question of State Establishment

In order to understand the status of the slave trade and slavery in the United States after their independence was achieved, it is necessary to glance at the progress of the Revolution and the adoption of the new form of government after its close.

In 1774, the contest between the mother country and the English Colonies of North America approached a crisis, and the first Continental Congress of delegates from the thirteen colonies assembled at Philadelphia on the 5th of September of that year. Fifteen articles, as the basis of an "American Association," were adopted and signed on the 20th of October, in which, among other things the slave trade was denounced, and entire abstinence from it and from any trade with those engaged in it, was enjoined. This had been preceded by the Virginia resolution on the same subject more than two months, but the war which ensued put an end to the trade during its continuance, much more effectually than any resolutions or laws could have done.

The "Declaration of Colonial Rights" adopted by this Congress enumerated eleven acts of Parliament as having been passed in derogation of the rights of the colonies since the accession of George III to the throne, to-wit:

1. "The Sugar Act."—This act was a modification of the "Molasses Act," by which the duties on molasses and sugar were lowered and a few unimportant articles were added to the list of those taxed.

2. "The Stamp Act."—This act never had been executed and had been repealed.

3 and 4. "The Two Quartering Acts."—The first of these acts had been passed in 1765, after the close of the war against the French in Canada, which resulted in the conquest of that country from France, greatly to the advantage of the northern colonies. It was intended to quarter troops on the colonies for their protection against the Indians and was in accordance with the views of the elder Pitt, who intimated that the colonies ought to bear a portion of the burthen of a war made for their benefit. By the terms of this act, the colonial authorities were required to furnish quarters, firewood, bedding, drink, soap, and candles to the troops sent into the colonies. It had been resisted or evaded and had been allowed to expire.

The second of these acts was a re-enactment of the first, in consequence of the disturbance at Boston.

5. "The Tea Act."—This act imposed a duty of three pence a pound on tea imported into the colonies, and allowed a drawback of the duty of a shilling a pound on the tea imported into England, when re-shipped to the colonies; the practical effect of which was to lower the duties paid by the colonists.

6. "The Act Suspending the New York Legislature."—This act was passed in consequence of the continued refusal of that legislature to comply with the terms of the quartering acts.

7 and 8. "The Acts For the Trials in Great Britain of Offences Committed in America."—These acts were passed in consequence of the resistance of all British authority at Boston.

9. "The Boston Port Bill."—This act was passed in consequence of the forcible destruction of tea in Boston Harbor.

10. "The Act For Regulating the Government of Massachusetts."—This Act was passed in consequence of the continuous disturbances by the people of that colony.

11. "The Quebec Act."—This act was for the government of Canada, and the other colonies had no right to complain, except so far as it extended to the country south of the lakes and west of those colonies.

It is well to keep these causes of complaint in mind, when considering the causes for the secession of the Southern States previous to the late war, and the course pursued towards those States.

In the war which resulted from the resistance to the acts specified, was involved a great principle of self-government, which the British government has since fully acknowledged in the treatment of all her other colonies, but it must be confessed that there was a good deal of turbulence and violence exhibited by American colonists in the first stages of the contest. Without depreciating the public spirit displayed by the people of Massachusetts during the war which ensued, there can be no question but that by violence and rashness the conflict was precipitated, and that much forbearance was shown by some of the British military officials. A candid review of the history of the difficulties preceding actual hostilities must lead any honest mind to the conclusion that while the British ministers acted unconstitutionally and unwisely, as the quarrel approached its crisis, the people of Massachusetts, with whom the conflict began, exhibited a very turbulent spirit and often acted with unwarranted violence.

The settlers of Massachusetts, on account of their peculiar religious theories, had from the very beginning, been impatient of all control from the mother country and anxious to thrown it off. They had hailed the Commonwealth with joy, had been greatly chagrined at the restora-

tion of the royal authority and had been very much embittered by the vacation of their charter and the loss of the theocratic form of government, and their ministry kept alive the fires of discontent and fanned them into a flame on all occasions. The same feeling existed throughout New England. Virginia on the contrary had been always a loyal colony and had not acknowledged the Parliament or the Commonwealth in Cromwell's time, until compelled to do so by a force sent for its conquest. Its people had hailed the restoration with delight and there was no sentiment in the colony demanding a separation from the mother country which was not engendered by actual or supposed infringement of their rights as British subjects. Though the people of that colony had little direct interest in the grievances complained of against the British government, as the articles taxed entered very little into their consumption, and no troops had been quartered among them in an offensive manner since the Parliamentary expedition, they made common cause with the people of Massachusetts, as it was a question of power which involved the rights of all the colonies. The difference was that the people of Massachusetts and New England were anxious to bring on a separation, while those of Virginia were not, unless it was necessary for the protection of the rights of all of the colonies. The statesmen of Virginia entered warmly into the dispute both by speaking and writing, and when the actual collision took place the people sprang to arms and sent to Massachusetts aid in both men and provisions.

It was the attempt to coerce the people of Massachusetts, in an unconstitutional manner, to compliance with unconstitutional laws, on the part of the British government, more than any actual grievances of their own, that aroused the people of Virginia to action, as that coercion if successfully applied to one colony, might be used for the destruc-

tion of all self-government in the others. This became the traditional policy of Virginia as a sovereign State. After the struggle began, she gave a leader to the continental army, her wisest and best statesmen to the colonial councils, her arms-bearing citizens to the ranks, and her resources to the prosecution of the war. That war which was begun in Massachusetts, long after it ceased to exist within the limits of that State, was finally, practically, ended on the soil of Virginia, after that soil had been terribly ravaged by the invading armies of Great Britain.

Motives similar to those which actuated Virginia, prompted the action of all of the other Southern colonies, and none suffered greater losses in war for the common defence than South Carolina. This statement is not made in order to claim for Virginia and the other Southern States more than their due share of credit for services in the war of the Revolution, nor to depreciate the valuable services rendered by the more northern states of the confederation.

The war was prosecuted by the colonies as a confederacy of sovereign States. The Continental Congress was in fact but a congress of commissioners or embassadors, whose acts derived their validity from the tacit adoption and sanction of the several States, and the delegates were at all times subject to recall and substitution, by the appointment of others—a power which was repeatedly exercised. The Declaration of Independence itself, was made in accordance with powers expressly delegated for that purpose to the representatives of the several appointing powers, and derived its force not from the action of Congress, but from the adoption of that action by those represented in that body.

In the case of Virginia, her independence had been declared by a convention of her own, and a State Government had been actually organized in advance of the action of

Congress, and she was the first thus to assert her sovereignty. On the 15th of May, 1776, the Virginia convention resolved to adopt a bill of rights and frame a State government, and on the 29th of June following, the government was put into operation by the election of a governor and other officers—a Bill of Rights and State Constitution having been framed and adopted in the meantime.

Articles of confederation were proposed in 1777, more than a year after the adoption of the Declaration of Independence, for ratification by the thirteen sovereign States. These articles required the unanimous ratification of all of the States, and as Maryland withheld her consent to this, until the 1st of March, 1781, they did not go into effect until that time. In the meanwhile the Congress had continued to exercise its permissive powers in the prosecution of the war, but it had no means of enforcing its edicts except in the voluntary compliance of the several States.

The first three articles were as follows:

ARTICLE I. The style of this confederacy shall be "The United States of America."

ART. II. "Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in Congress assembled."

ART. III. "The several States hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liabilities and their mutual and general welfare, binding themselves to assist each other against all force opposed to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade or any other pretence whatever."

The other articles of confederation conferred upon Congress very little more power than it had been exercising. All important measures required the concurrence of nine

States, the votes being given by the delegates from each State as a unit, and not in their individual capacity.

The right of the States to recall their delegates and to appoint others was expressly reserved, so that five States acting together, could at any time block the government, and the latter had no means of enforcing its decrees when made, but had to rely upon the voluntary compliance of the States as before. It will thus be seen that the government organized under the articles of confederation remained still a mere confederacy of several independent States. When peace was finally made with Great Britain, that power recognized the sovereignty and independence of the several States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia by name, and not the sovereignty and independence of the United States.

After the treaty of peace, under the navigation laws of Great Britain, American vessels trading with that country, were restricted to the importation of products of the several States to which they belonged, which put those States upon the footing of so many separate nations.

The action of the several States upon the subject of slavery and the slave trade during the war and afterwards to the time of the adoption of the Constitution of the United States was as follows:

Delaware, as before stated, by her constitution adopted in 1776, prohibited the further introduction of slaves.

Virginia did the same thing by her law adopted in 1778.

Pennsylvania, whose legislature had ceased to be under the control of the Quakers, as they refused to take part in the Revolution, adopted a law in 1780, prohibiting the further introduction of slaves and giving freedom to all children of slave mothers born after its passage.

Massachusetts incorporated a declaration in her bill of rights adopted in 1780, that "all men are born free and equal," and under that declaration it was decided by the Supreme Court of that State in 1783, that slavery was prohibited. It cannot be claimed that this declaration was intended to have that effect, for if such had been the case it would not have been left to judicial interpretation to give it, but an express provision would have been incorporated on the subject. It was a species of judicial legislation which was submitted to because no important interest was at stake. There were a little over 6,000 slaves in Massachusetts at the date of the Revolution, distributed in small numbers among the owners and employed mostly as household servants. The population was largely engaged in commerce, fisheries, manufactures, etc., and the character of the agriculture was not at all adapted to slave labor. Nothing of consequence therefore, was to be gained by contesting the validity of the decision, and it was the easiest way of getting rid of the matter by quiet submission.

New Hampshire adopted a similar clause in her second constitution in 1783, and under that it was held that freedom was guaranteed to all children born after its adoption.

Maryland adopted in 1783, laws in regard to the introduction of slaves similar to those of Virginia.

Connecticut and Rhode Island, in 1784, adopted laws on the subject of slavery similar to those of Pennsylvania.

The effect of these laws and decisions was to put an end to the slave trade in all of the states but North and South Carolina and Georgia; to abolish it in Massachusetts and provide for its gradual extinction in New Hampshire, Rhode Island, Connecticut and Pennsylvania, while it still remained as before in the other states. It has been alleged, and probably was true, that a large number of the slaves in the northern states were carried to the South and sold

there, to avoid the operation of the emancipation measures which were initiated. This allegation receives very strong confirmation from a comparison of the free colonies' population at the north at different periods, with the number of slaves known to be there at the date of the institution of emancipation measures, when taken in connection with the increase to that colored population, from freed slaves and runaways from the South.

Notwithstanding the provisions for abolishing slavery in the New England states, the merchants and traders of those states resumed the importation of slaves from Africa to the Carolinas and Georgia immediately after the close of the war. North Carolina, however, had denounced the trade as impolitic, and imposed a duty on future importations which furnished an impediment to it, so far as that state was concerned.

The confederation which, during the war, under the pressure of the public danger, had answered the purpose, was found to work very badly when peace ensued and the states were no longer stimulated to comply with the requisitions of Congress by immediate necessity. Though the states were all vested with full powers to regulate their domestic affairs, yet there was a large debt contracted in common which it was necessary to provide for, and as the states were forbidden by the Articles of Confederation to make treaties, and Congress had no power to impose taxes or duties on imports or exports, which power rested entirely in the state legislatures, there was a very great derangement of the finances, commerce and business of the country, entailing very ruinous consequences upon all classes and interests. It became, therefore, necessary to provide a remedy for existing evils, and a convention of delegates from the states assembled at Philadelphia in the year 1787, for the purpose of revising the Federal system.

This convention was assembled in accordance with the recommendation of a previous one, that had assembled at Annapolis on the invitation of Virginia, but found its powers inadequate.

The deliberations of the Philadelphia convention, which were presided over by General Washington, resulted in the adoption of the Constitution of the United States, for recommendation to the states for their ratification, and by the terms of the Constitution, it was provided that it should go into effect when ratified by nine states, as to the states ratifying it.

There were many difficulties in the way of the formation of the Constitution by reason of conflicting views and interests, and the instrument as framed by the convention was the result of a compromise of those views and interests. The only questions arising in regard to slavery was in relation to the basis of representation in Congress and taxation, the foreign slave trade and the restoration of fugitive slaves. The questions in regard to representation and taxation were settled by compromise, as was that in regard to the slave trade. Virginia and Maryland were in favor of an absolute and immediate prohibition of the foreign slave trade, while South Carolina and Georgia opposed any interference with it. With the two latter states some of the New England delegates sided, and after much discussion a compromise was finally effected, by adopting a provision prohibiting Congress from preventing, prior to the year 1808, the importation of any persons the states might think proper to admit, but giving the power to impose a duty on such persons in the meantime, not to exceed $10 per head. This compromise was effected by an arrangement between the delegates of South Carolina and Georgia on the one side and the New England delegates on the other, by which it was agreed to insert a provision vesting Congress with the

power to pass navigation laws by a majority vote—which was earnestly desired by New England but was opposed by some of the other states—and to adopt the restriction prohibiting any interference with the slave trade until the time designated.

For the provision in regard to the slave trade as adopted, Massachusetts, New Hampshire and Connecticut, the only New England States represented, voted, while Virginia voted with some of the other states against it in all its stages—the final vote being, Massachusetts, New Hampshire, Connecticut, Maryland, North and South South Carolina in the affimative, and New Jersey, Pennsylvania, Delaware and Virginia in the negative; absent or not voting, New York, Rhode Island and Georgia.

The clause in regard to the restoration of fugitive slaves was adopted without any objection from any quarter, and it was worded in almost the identical language of the provision on the same subject contained in the old compact of "The United Colonies of New England." Without the provision for the return of slaves escaping into any of the states or the public territory, not a solitary Southern State would have accepted the Constitution, and its necessity, propriety and justice were conceded on all sides without question. When the Constitution was submitted to the states for ratification, it met with a good deal of opposition because it was thought to impose too great restrictions on the rights of the states, but it was finally ratified by the end of July, 1788, by eleven states, and steps were taken to organize the government under it, which was done in April, 1789, by the meeting of the first Congress under the Constitution and the inauguration of General Washington as President.

North Carolina did not ratify the Constitution until November, 1789, nor Rhode Island until May, 1790, and until

they did ratify it they remained as foreign nations to the other states. When the ratification was under consideration, there was much discussion as to the construction of various clauses, and most of the states were induced to give their assent by the hope of adoption of amendments explaining all ambiguities and objectionable clauses, and the ratification was accompanied with the recommendation of such amendments as were desired.

In passing the ordinance ratifying the Constitution, the Virginia convention adopted an explanatory preamble, declaring that when the powers delegated should be abused they would be resumed, and the New York convention accompanied the ratification with a declaration of the right to withdraw it. It is curious in view of subsequent events, that Massachusetts proposed as an amendment "That all powers not expressly delegated to Congress should be reserved to the states," and another "That no person be tried for any crime (cases in the military and naval service excepted) without previous indictment by a grand jury; and that in civil cases the right of trial by jury be preserved." The first of these was recommended by Virginia and South Carolina also, and the last by Virginia, and both were subsequently adopted as amendments to the Constitution on the recommendation of the first Congress, with only a change of phraseology not at all effecting their import. Massachusetts has changed her views since she asserted these doctrines of states' rights and civil liberty.

The Constitution of the United States left slavery in the states precisely where it was before, the only provision having any reference to it whatever being that which fixed the ratio of representation in the House of Representatives and direct taxation; that in reference to the foreign slave trade, and that guaranteeing the return of fugitive slaves. Had it been proposed to insert any provision giving Congress

any power over the subject in the states, it would have been resisted, and the insertion of such provision would have insured the rejection of the Constitution. The government framed under this Constitution being one of delegated powers entirely, those powers were necessarily limited to the objects for which they were granted, but to prevent all misconception, the 9th and 10th amendments were adopted, the first providing that "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people," and the other that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

It has now been shown how slavery originated in the United States and that the Federal Constitution left its regulation in every particular, where it belonged, that is to the several states where it existed, save only in regard to the foreign slave trade and the guarantee for the return of fugitive slaves as mentioned.

State action had already provided for the removal of slavery from several of the northern states, and this was followed, later, by a law adopted in New York in 1799, providing that all children of slaves born after the 4th of July of that year should be free, males at 28 and females at 25 years of age, and a law adopted in New Jersey in 1804, providing that all children of slaves born after the 4th of July of that year should be free, the males at 25 and the females at 21 years of age. This was the last of the acts for the emancipation of slavery where it previously existed and therefore, so far as regarded the original thirteen states, slavery was confined to Delaware, Maryland, Virginia, North and South Carolina and Georgia, except as to the remnants left in the other states by the acts for gradual

emancipation, which lingered in some of them for a long time.

If African slavery was a crime, who was responsible for it? Did the sole guilt or the greater part of it rest upon the shoulders of the colonists who purchased the slaves already ravished from their homes in the plains and wilds of Africa, or on the shoulders of the descendants of the original purchasers who found the institution already established as a settled policy, or did it rest with those who procured the enslavement of these ignorant and degraded barbarians and reaped the enormous profits resulting from their sale in their persons?

Treating it as national or individual sin, where does the guilt lie? The mercantile marines of Great Britain and New England are monuments to the African slave trade, upon the profits of which they were mainly built up.

It has been often said that the assertion contained in the Declaration of Independence "That all men are created equal, etc.," was entirely inconsistent with the continuation of slavery in any of the United States; and that the states which continued it were guilty of a great inconsistency. Who had then a right to make this criticism? Was it the Englishman, with Lord Mansfield's decision staring him in the face, and his boast of liberty under the common law on his tongue, while his heel was upon the neck of Ireland, his ships ploughing the main, freighted with human merchandise packed to suffocation, and his writs of execution levied upon the bodies of human beings to satisfy his demands? Was it the Frenchman, who, equally guilty in the traffic in human flesh, in the name of "Liberty, Equality and Fraternity" glutted the guillotine with the blood of his brethren, until he himself was forced to take refuge from his own "Liberty" under the protection of a despotism that kept watch upon his very thoughts? Was it the Dutch-

man, whose ships had carried the traffic in slaves to every clime and who landed the first cargo within the limits of the United States? Was it the Russian, who had bleeding Poland under his feet and caused order to reign in Warsaw, while he peopled Siberia with every age and sex, and his ears were gladdened by the sound of the well-plied knout? Was it the Prussian, the Austrian, the Dane, the Swede, or the Italian? The Portuguese, the Spaniard and the Turk have not troubled themselves about the matter.

The fact is that the assertion of independence was made by the Continental Congress, by a resolution adopted on the 2d of July, 1776, in the following words:

"*Resolved,* That these United Colonies are, and, of right, ought to be, Free and Independent States, that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved."

That was the authoritative assertion of the independence of the colonies, and the Declaration of Independence adopted afterwards was merely a manifesto put forth to the world to show the reasons which impelled them to the step and to justify it. The assertion that "all men are created equal," was no more enacted by that declaration as a settled principle than that other which defined George III to be "a tyrant and unfit to be the ruler of a free people." The Declaration of Independence contained a number of undoubtedly correct principles and some abstract generalities uttered under the enthusiasm and excitement of a struggle for the right of self-government.

The portion of it in question was not designed for the wide application which is sought to be made of it, nor is it capable of that application. The intention of it was to assert the right of the people, on whose part the declaration was made, to equality under the law with all other British

subjects, and to maintain their right to set up a new government for themselves, when the one under which they had been living had been perverted to their oppression. If it was intended to assert the absolute equality of all men, it was false in principle and in fact.

Taken in its literal sense, it might be construed to mean that all men are created equal in every respect, but does any one believe, or will any one ever believe, that the native Congo, the Hottentot or the Australian negro, is the equal, mentally, physically and morally, of the Caucasian?

Whatever construction the words quoted and those following them may admit of, let it be borne in mind, that they belong to the argument and not to the fact. The separation and independence were asserted by the resolution adopted on the 2d of July, and not by the declaration adopted on the 4th, and the latter was no more a part of what was authoritatively established, than the *obitu dictum* of a judge is a part of his decision.

The truth is, that several of the statesmen of the South and especially of Virginia, deplored slavery as an evil and expressed the hope that at some future time, in some way that might be desired, the institution might be abolished in such manner as to secure the welfare of both races, but none of them could suggest any mode for doing so, and though perfectly sincere, they contented themselves with expressing the hope that the way might be discovered.

Slavery was a fixed fact, fastened upon the colonies by the mother country, and in the South, the slaves bore such a proportion to the white population and the whole business of the country was so identified with their labor, that it was impossible to emancipate them, without entailing on both races evils far greater than those supposed to result from the existence of slavery itself. It was a practical question with which the statesmen of the country had to deal as

practical men, and all they could do, was to allow the system to remain, as the best for all parties under the circumstances, without reverting to the dangerous experiment of the ideal schemes of a false philanthropy.

As to the slave trade, Delaware, Virginia and Maryland had already put an end to it as soon as they were vested with the power to do so, and North Carolina followed suit very shortly after the adoption of the Constitution, and the prohibition would probably have been made general, but for the combination of the New England states with the two southern states that were in favor of having the trade continued.

It would not be amiss to notice what was transpiring in England on this subject at the time the Federal Constitution was being adopted. Clarkson, Wilberforce and others were agitating the question of the slave trade at this time, and the utmost that the younger Pitt, then at the head of the government, would venture to do, was to procure the passage of an act of Parliament, for the mitigation of the atrocities of the "Middle Passage" by which it was provided that slave ships should not carry beyond a certain number of slaves in proportion to the tonnage.

Even this bill met with strong opposition and among others, from Lord Chancellor Thurlow "the Ruler of the King's conscience." In opposing the bill he said: "It appears that the French have offered premiums to encourage the African trade, and that they have succeeded. The natural presumption therefore is, that we ought to do the same." He further said: "One witness has come to your Lordship's bar with a face of woe, his eyes full of tears and his countenance fraught with horror, and said 'My Lords, I am ruined if you pass this bill! I have risked £30,000 on the trade of this year! It is all I have been able to gain by my industry, and if I lose it, I must go to the hospital!

I desire of you to think of such things, my Lords, in your humane phrenzy and to show some humanity to the whites as well as the negroes.' ''

The bill, however, passed with amendments to grant compensation for losses, and this was as far as English statesmanship would venture to go at that time. Was it to be expected that American statesmen should be better, wiser and more philanthropic than English statesmen?

Shortly after the close of the war, Virginia had ceded to the Confederation for the common benefit of all the states, the territory northwest of the Ohio river; and Massachusetts, New York and Connecticut had ceded their rights. (?) The claim of Connecticut skipped over Pennsylvania and that state made a very good bargain for herself by securing the title to the lands in what has since been known as the "Western Reserve," though no officer or soldier or, so far as is known, citizen of hers, had even been in the northwestern territory.

Virginia's original charter, the oldest of all covered the country, but independent of that, it had been conquered from the Indians and British by the forces of Virginia under George Rogers Clarke. It was a magnificent empire which Virginia thus surrendered for the common good and for the cause of the Union of the states, and the only compensation she asked was, that the land grants pledged her own soldiers should be ratified.

During the sitting of the convention which framed the Constitution, the Congress, which was in session, adopted the celebrated ordinance of 1787, for the government of the territory northwest of the Ohio river, in which ordinance was contained a prohibition of slavery in that territory forever, and also a provision for the recovery of slaves escaping into the territory similar to that incorporated into the Constitution.

At the first session of the first Congress, under the new Constitution, an act was passed for the government of the territory northwest of the Ohio river, by which the ordinance of 1787 was recognized and confirmed.

In 1787, South Carolina had surrendered her claim to all territory west of the present limits, and in 1790, North Carolina ceded to the United States that part of her territory which subsequently became the state of Tennessee, with a stipulation, "that no regulation made or to be made by Congress shall tend to the emancipation of slaves."

In 1791, Vermont, formed out of part of the territory of New York, with the consent of the legislature of that state, was admitted into the Union as one of the states and came in without slavery, which was forbidden by her constitution.

Kentucky (formed out of the territory of Virginia, south of the Ohio river, with the assent of her legislature) in 1792 was admitted into the Union, and came in with slavery as it existed in Virginia and with similar laws on the subject.

In 1793, Congress passed an act to carry into effect the provision of the Constitution for the restitution of fugitive slaves, providing for their delivery to the owners by order of any United States judge, or any magistrate of the city, town or county where they might be arrested, on due proofs of ownership, etc.

In 1796, Tennessee, formed out of the territory which had been ceded by North Carolina, was admitted into the Union, and came in with slavery as it existed in North Carolina and with similar laws in regard to it.

In 1798, Georgia adopted a new Constitution, in which was a clause forbidding the importation of slaves from "Africa or any foreign country." In this same year Congress passed an act for the establishment of the Mississippi

territory out of the territory acquired from Great Britain, which constituted that part of British West Florida lying between a line drawn due east from the mouth of the Yazoo to the Chattahoochie river and the 31st degree of latitude. The act provided for the government and organization of the Mississippi territory in every respect like the North Western territory, except that slavery was not to be prohibited, but an amendement was incorporated into the act without opposition, on motion of a representative from South Carolina, prohibiting the introduction of slaves into the territory from without the United States.

Immediately after the adoption of the Constitution, South Carolina had passed a law prohibiting the introduction of slaves from foreign countries for a limited period. which was continued by renewal from time to time, and as North Carolina had adopted a permanent law on the subject, the foreign slave trade was now prohibited in all of the states as well as in the public territories, but it continued to be carried on by English, New England and New York traders within the limits of South Carolina and Georgia despite the laws.

In 1802, Georgia ceded to the United States all of her territory west of her present limits, including her claim to the Mississippi territory. This cession including in it the Mississippi territory, embraced all of the states of Mississippi and Alabama which was north of the 31st degree of latitude and the compact made with Georgia stipulated that when the population reached the number of 60,000, the ceded territory should be erected into a state on the conditions contained in the ordinance of 1787, "That article only excepted which prohibits slavery."

In 1803, on the complaint of South Carolina of the importation, in violation of her laws, of slaves from Africa, as well as of free persons from the French West Indies, Con-

gress passed an act imposing a fine of $1,000 on the captain of a vessel for the importation of such persons in violation of the laws of a state, with forfeiture of the vessel. Next year, however, South Carolina repealed her laws against the African slave trade, and it continued to be lawful there until 1808.

In the same year Ohio, erected out of part of the northwestern territory, was admitted into the Union and came in without slavery.

In this year Louisiana, which had been re-ceded to France by Spain, was ceded to the United States by the French government, with a stipulation in the treaty of cession that the inhabitants should be secure in their liberty, property and religion and should be admitted, as soon as possible, according to the principles of the Federal Constitution to the enjoyment of the rights of citizens of the United States. The territory thus ceded, embraced as claimed by the United States, all of the territory west of the Mississippi and south of the 31st degree of latitude to the western boundary of the old Spanish province of Florida. Slavery existed in Louisiana at the time of its acquisition, having been established there by the French government, and there could be no question as to the meaning of the guarantee to the inhabitants of security in their property, as the right of property in slaves was universally acknowledged in all of the civilized world, and both of the contracting parties recognized it.

In 1804, Congress passed an act organizing the ceded province of Louisiana into the Territory of Orleans and the District of Louisiana, the former to embrace all of the territory south of the 33rd degree of latitude; the latter to embrace that part north of the same degree. A provision was embraced in the act that no slaves should be carried into the Territory of Orleans or the District of Louisiana, except

from some part of the United States by citizens removing thither as actual settlers, and this permission was not to extend to negroes brought into the United States since 1798. This was a direct admission of the right of the people to remove into the territory with all of their property, including slaves, and the restriction as to negroes brought into the United States since 1798 was in consequence of the fact that, from that time to the passage of the act, the introduction of such persons was prohibited by the laws of all of the States, showing that the right to introduce slaves was regarded as resulting under the constitution from the rights under the laws of the several States and from no other.

By an act passed at the same session, all of the territory ceded by Georgia was included in the territory of Mississippi.

In 1805, by Act of Congress, the Territory of Orleans was given a similar government to that of Mississippi, and the District of Louisiana was made a territory of the second class, that is with the power of legislation vested in the governor and judges of the territory. Settlements had been previously made within the limits of the District of Louisiana on the Arkansas River and within the present limits of Missouri, and slavery had been carried there by settlers from the slave States. The act organizing the territory of Louisiana provided for continuing in force all of the existing laws and regulations until repealed by the legislature, and thereby gave direct recognition of the system of slavery, as it had not only been protected by the law organizing the District of Louisiana, but existed by operation of the old French and Spanish laws still in force.

In 1807, at the second session of the 9th Congress, on the recommendation of Mr. Jefferson, then President, an act was passed for the prohibition of the slave trade from foreign countries to the United States, to take effect on the

1st day of January, 1808. Up to that time the trade had been continued by English, New England, and New York traders to South Carolina and Georgia by evading the laws against it, when such were in force, but it ceased after the United States law went into effect; many slaves were introduced into the port of Charleston within the last four years prior to the time when the law went into effect, brought in by English and Northern vessels.

In the same year and about the same time that the United States law was passed, under the brief ministry of Lord Grenville, the Parliament of Great Britain passed the act to abolish the trade on the part of British subjects, though not without serious opposition. Among the opponents of the measure was another Lord Chancellor of England, Lord Elden, at that time for a short period out of the office which he had held for many years, and to which he returned in about two months after the passage of the bill to continue in it until the year 1827. In opposing the bill, Lord Elden said: "I do not believe the measure now proposed would diminish the transport of negroes, or that a single individual would be preserved by it, at the same time, that it would be utterly destructive of the British interests involved in that commerce." He asked "was it right because there was a change of men and of public measures in consequence, that the interests of those who petitioned against the bill should be disregarded and what was before considered fit matter of enquiry should now be rejected as immaterial and inapplicable?"

In the argument of Wilberforce and others, in favor of the measure, it was shown that there had never been any natural increase of the slaves in the British and West India

Islands—the excess of deaths over births in Jamaica being as follows:

From	1698	to	1730,	3 1/2	per cent.
"	1730	"	1755,	2 1/2	" "
"	1755	"	1769,	1 3/4	" "
"	1769	"	1780,	3/5	" "
"	1780	"	1800,	1/24	" "

The supply had therefore been kept up by constant importations to meet the growing demands and the advocates of the measure urged the following reasons for its adoption:

"The grand, the decisive advantage which recommends the abolition of the slave trade is, that by closing the supply of foreign negroes to which the planters have hitherto been accustomed to trust for all of their undertakings, we will compel them to promote the multiplication of the slaves on their estates; and it is obvious that this cannot be done without improving their physical and moral condition. Thus not only will the inhuman traffic itself be prevented in so far at least as the inhabitants of this country are concerned, but a provision will be made for the progressive amelioration of the black population in the West Indies, and that too on the securest of all foundations, the interests and selfish desires of the masters in whose hands they are placed."

It seems from this that "slave breeding" was not considered a crime by the philanthropists of that day but this discovery was reserved for those of a later time.

Slavery in the United States has now been brought down to the time of the abolition of the slave trade by both the United States and Great Britain, and it will be seen that the former government had no jurisdiction over the matter in any way, except to give protection to that species of property in the states where it existed, in the same way that

it was bound to protect every other species of property within the scope of its delegated powers. Slavery existed in the states prior to the creation of the government and independent of it, and the states in forming that government as sovereign states, reserved to themselves the exclusive power of continuing or discontinuing it at their option. Not only was this so with regard to the original states, but by express stipulation with the states of North Carolina and Georgia at the time of their cession of territory. Congress had bound itself not to interfere with slavery in that territory.

Kentucky had been formed out of part of Virginia and was admitted into the Union upon the same footing as that state, and by the treaty with France upon the acquisition of Louisiana, the faith of the United States was pledged to respect and protect the right of property in slaves within the limits of the acquired territory in the same way that it was pledged to respect and protect the right of property in every thing else. This embraced all of the territory within the limits of the United States except the northwestern territory, and to that the prohibition against slavery had been extended by the ordinance of 1787, prior to the adoption of the Federal Constitution. The validity of that ordinance has been disputed, and certainly if it had any validity, that was given by the assent of Virginia from whom the territory was acquired. The act for the organization of the government of the Northwestern territory recognized the validity of the restriction contained in the ordinance, and did not create it.

The states which had thought proper to abolish or exclude slavery because it was not to their interests to have it, had no right to complain of its existence in other states. If they did not desire to be allied to states which tolerated slavery, then they should have refused to ratify the Consti-

tution. Having ratified it, the faith of those states became pledged by every consideration that can bind states as communities, or men as individuals, to respect the institutions, rights and property of the other states and to faithfully abide by all of the compromises and guaranties of the Constitution. They were bound to respect and abide by them not only in the capacity of states, but they were bound by the exercise of their just powers of legislation and restraint, to compel their citizens to respect and abide by them. This obligation extended not merely to abstaining from all violent interference and active measures of wrong, but from all agitation or incitement to others to do wrong, by disturbing the peace, property or rights of other states and the citizens thereof.

The Constitution did not make the general government censors over the morals or domestic institutions of the several states, nor did it make the states or the citizens thereof censors of the moral or domestic institutions of each other. It was merely a compact formed between sovereign states for the common defence and protection of each other in their rights and liberties, as they existed before its formation.

CHAPTER IV

Causes Leading to Secession — Secession of the Cotton States

Very shortly after the organization of the government under the new Constitution, petitions upon the subject of the slave trade began to be presented to Congress, mostly from the Quakers of Pennsylvania, that "non-resisting" sect "conscientiously opposed to all war." Some of the petitions were very inflammatory in their character, and caused much excited debate in the early Congresses, and one presented by Warren Mifflin, a Quaker of Delaware, urging the injustice of slavery and the necessity for its abolition, was returned to him by order of the House at the second session of the second Congress on account of its incendiary and mischievous character.

In January, 1805, the first proposition for the abolition of slavery in the District of Columbia was made. It was made by Sloan, a democratic representative from New Jersey, and was "that all children born after the ensuing 4th of July should be free at certain ages," but it was refused a reference to a committee and was then rejected by a vote of 77 to 31. It is a little remarkable in view of subsequent events that 26 of the 31 were Northern Democrats, and that only 5 constituting the remainder of the vote for the proposition were Northern Federalists.

After the passage of the acts in the United States and Great Britain abolishing the slave trade, the agitation on the subject of slavery abated very considerably for a number of years, only, however, to be revived at a later period in a more virulent form.

In the year 1812, the state of Louisiana, erected out of the territory of Orleans, was admitted into the Union as a slave state, and that part of the territory east of the Pearl

river and bordering on the Gulf of Mexico, was added to the territory of Mississippi. The name of Mississippi was then given to the territory of Louisiana.

In 1816, Indiana was admitted into the Union as a free state, and in 1817, Mississippi was admitted as a slave state, the residue of the territory of that name taking the name of Alabama.

In 1818, Illinois was admitted as a free state and in 1819, Alabama came in as a slave state. This increase of the number of slave states did not increase the number of slaves, as the slaves introduced into them came from the older slave states. If any slaves were introduced from Africa or any foreign country, it was by such evasion of the laws as will take place under any government, and they were not so introduced to any appreciable extent.

In 1819, towards the close of the 15th Congress, a bill was introduced into the House of Representatives to authorize the erection of the state of Missouri out of part of the territory of that name, and on motion of Tallmadge, of New York, a clause was inserted in the bill prohibiting the further introduction of slaves and granting freedom to the afterborn children of those already there, on arriving at the age of twenty-five, the proposition being carried by a vote of 87 to 76. This proposed restriction caused a very excited debate, in the course of which Cobb, of Georgia, said that "a fire had been kindled which all the water of the ocean could not put out, and which only seas of blood could extinguish;" he did not "hesitate to declare that if the northern members persisted, the Union would be dissolved." The bill, however, passed the House with the restriction, but in the Senate, the latter was stricken out, the clause prohibiting the further introduction of slaves by a vote of 24 to 16, and the one freeing the children by a larger vote, there being only 7 votes for retaining it. The

House refused to concur with the Senate and the bill was lost.

At the same time the Missouri bill was introduced, another bill was presented for establishing Arkansas territory out of that part of the Missouri territory south of 36° 30′, and a clause was inserted into it granting freedom to all afterborn children of slaves, at the age of twenty-five, but a clause prohibiting the further introduction of slaves was defeated by a vote of 70 to 71 and the clause for freeing the children of those already in the territory was stricken out. Taylor of New York then proposed to add a proviso to the bill that neither slavery nor involuntary servitude should exist in any of the territories of the United States north of 36° 30′, but his motion was defeated and the bill for organizing Arkansas Territory passed both houses without any restriction.

Before the meeting of the next Congress, Massachusetts authorized the formation of the District of Maine into a state and a Constitution was adopted by the people in that district for that purpose. In the meantime there was much agitation in the North upon the subject of excluding slavery from the territory west of the Mississippi. Upon the meeting of the 16th Congress, a bill was introduced to authorize the people of Missouri to frame a State Constitution, but on motion of Taylor, the author of the proposed proviso excluding slavery from the territories north of 36° 30′, a committee was appointed to consider the subject of prohibiting slavery west of the Mississippi, and the Missouri bill was postponed to await the action of the committee.

A bill had been introduced for the admission of Maine—and after the defeat of a motion to postpone it until the Missouri bill came up—was passed. When this bill came up in the Senate, a clause for the admission of Missouri,

was attached to it, after the defeat of a motion to insert in the latter a proviso for the prohibition of slavery, and Thomas, a senator from Illinois, then proposed an amendment prohibiting the introduction of slavery into any of the remaining territory north of 36° 30′, which was adopted by a vote of 34 to 10; the senators from Virginia, South Carolina, Georgia, Indiana, and one senator from North Carolina and Mississippi each voting in the negative. The bill was then passed by a vote of 24 to 20, all the senators from the slave states and the two from Illinois voting in the affirmative, and those voting in the negative being from the free states.

The House refused to concur in the Senate's amendment, and the Senate adhered, therefore a committee of conference was appointed. In the meantime, the House had been debating the Missouri bill, and pending the conference it was passed by a vote of 93 to 84 with a clause prohibiting the further introduction of slaves. When this bill went to the Senate, the prohibition was stricken out and the Thomas proviso attached, and it was then passed and returned to the House. The Committee of Conference at the same time reported recommending that the Senate recede from its amendment to the Maine bill and that the House pass the Missouri bill as amended by the Senate. The House agreed to the amendment to the Missouri bill, striking out the clause for prohibiting slavery, by a vote of 90 to 87, and to that inserting the Thomas proviso, by a vote of 134 to 42, 35 of the latter being Southern members who objected to the proviso as unconstitutional, and 5 being Northern men who objected because it did not go far enough. The Senate receded from its amendment to the Maine bill and both bills were thus passed.

President Monroe signed the Missouri bill after much hesitation, upon having his scruples as to the constitution-

ality of the proviso removed, and upon being assured that the restriction as to the territories extended to them only while in the territorial condition.

The bill in relation to Maine admitted that state into the Union at once, but that in regard to Missouri was a mere act enabling the people to frame a Constitution, and a joint resolution for the admission of the state after the formation of the Constitution was still necessary.

When the Constitution was presented at the next session of Congress, it was found to contain a clause requiring the legislature to pass laws to prevent free persons of color from settling in the state, and as the admission of Maine was complete, the Northern members took occasion to object to the admission of Missouri because of this clause, though Ohio and Indiana had passed laws forbidding the settling of free persons of color in those states, and there was an old law of Massachusetts to the same effect, still unrepealed. A resolution offered in the House for the admission of Missouri, with its Constitution as it stood, was defeated by a vote of 78 to 93, those voting in the negative being Northern members. After much discussion and excitement and the defeat in the House of an effort to compromise the question, on motion of Mr. Clay, a joint committee was appointed to take the subject into consideration, and this committee reported a joint resolution for the admission of Missouri, after the state legislature should have given a solemn pledge, that the Constitution should not be construed to authorize any act and that no act should be passed "by which any of the citizens of either of the states should be excluded from the enjoyment of any of the privileges and immunities to which they are entitled under the Constitution of the United States." The President being authorized to announce by proclamation, the adoption of the pledge, and Missouri then to become a state in the

Union, this resolution was adopted, the vote being 86 to 52 in the House, all the votes in the negative, excepting four, being given by Northern members and the four Southern members not being willing to submit to the concession. Since the rejection of the proposition for compromise in the House on the same basis, news had been received of the final ratification by Spain of the treaty for the cession of Florida, and as by that treaty the United States relinquished all claim to Texas, thus reducing the whole of the territory south of 36° 30′ and west of the Mississippi to the Territory of Arkansas, comprising the present state of Arkansas and the small tract of Indian country west of it, while there remained an immense domain north of that parallel, stretching across the Rocky Mountains to the Pacific, a few Northern members were induced to cast their votes for the last proposition, thus securing its passage.

The required pledge was given by the legislature of Missouri, and that state was thus admitted into the Union in 1821. For a long time, the arrangement by which the passage of the enabling act for Missouri was secured, was called *compromise,* and the line of 36° 30′ was called "The Missouri Compromise Line." The subject was fully explained by Mr. Clay in the Senate in 1850, and it will be seen that the arrangement was no compromise at all, but was merely one of those legislative expedients often adopted to secure the passage of a measure. As it passed, the restriction was merely a legislative enactment, liable to repeal at any time like any other law. But few of the Northern members agreed to the arrangement, and at the very next session of Congress, the great mass of them repudiated the idea of its being a compromise by voting against the admission of Missouri, upon a mere pretext.

The only compromise made at all was that made with the state of Missouri about the construction of her Constitution.

Nevertheless, the Southern States were always to regard this legislative adoption of the line 36° 30′ as a settlement of the question of slavery in the territories, provided it was adhered to as such in principle and spirit, but it was not accepted by the Northern people in that light and was made by them the ground-work for new demands and encroachments.

The proposition for the prohibition of slavery in the territories, was not one in favor of the freedom of the slaves themselves, as their introduction into those territories would not increase the number of slaves, but would expand them on a wider sphere, thus rendering it easier to adopt measures for emancipation, at least in some of the states if that was desirable, and making the condition of the slaves more comfortable if emancipation did not take place; while the restriction of the institution to the states where it existed, would forever close the door on any steps for its voluntary abolition and render the condition of the slaves much less desirable. Diffusion was much the best policy for both masters and slaves, and the opposition to the introduction of the latter into the territories was only a political manœuvre for the purpose of obtaining a sectional preponderance of power, and in all of the debates, the views expressed by the advocates of the restriction tended to the furtherance of that object.

By the final ratification of the treaty between the United States and Spain in the year 1821, Florida became a territory of the United States and a territorial government was soon formed therefor.

After the admission of Missouri into the Union, there was a subsidence in the agitation upon the subject of slavery for a number of years, though every now and then a petition from some Quaker meeting was received and quietly disposed of.

In the year 1834, the British Parliament passed an act for the abolition of slavery in the British West Indies, her colonies in those islands being all of the slave colonies left to Great Britain. These colonies had dwindled into insignificance and formed but a very inconsiderable part of her gigantic colonial system. Canada, Australia, New Zealand and her possessions in the East Indies furnished an ample field for British settlement and colonial trade, which dwarfed into very diminutive proportions the British interests in the West Indies. Great Britain could therefore afford to be philanthropic and at the cost of £20,000,000 (about $96,000,000) she gave liberty to a very few more than 600,000 slaves, who were placed in a condition of apprenticeship for several years to enable the planters to accommodate themselves to the new order of things by degrees. She had abandoned the slave trade after, by the loss of the American colonies, she had ceased to have a large interest in the subject of slavery, and this grant of £20,000,000 for the freedom of all of the negro slaves left in her dominions, was the final atonement she made for the millions she had consigned to slavery, and the millions who had been cast overboard, to meet a watery grave, on their route to slavery.

To make her own gracious act more conspicuous, she turned propagandist and commenced denouncing the system of slavery which she had been so instrumental in fixing upon the world, as un-Christian, inhuman and barbarous. Having, as she considered, cast the beam out of her own eye, she could see more distinctly the moat in that of others, but she made no restitution of the hundreds of millions she derived from the profits of the inhuman traffic as she now styled it, and which had assisted in building up her marine, manufactures and commerce. Having thus washed her hands of the sin, as she imagined, she became

most intolerant in her opinions and denunciations of those upon whom she had entailed the institution of slavery by her avarice and power, furnishing another example of those,

"Who compound for sins they 're inclined to,
By damning those they have no mind to."

Emissaries soon came out from Great Britain to the United States and began the agitation of the abolition of slavery there. The preponderance of women in the New England States caused them to be selected as proselytes for the new crusade. There was also a class of men in that section, offshoots of the old persecuting theocracy who furnished recruits to the agitators. There were doubtless many who really believed slavery to be a great sin and wrong, who joined in the crusade from conscientious motives. Knaves there were in plentiful supply, gowned and ungowned, who were ready for anything which would tend to their personal advancement in position or their pecuniary profit. Out of these materials abolition societies were formed and petitions began to pour into Congress for the abolition of slavery in the District of Columbia and other places within the Federal jurisdiction, while the mails were filled with incendiary publications calculated to stir up insurrections. John Quincy Adams, who had held political office from his earliest manhood, until he became President, obtained a return to political life by his election to the lower House of Congress. Shortly after his return there, in presenting one of the chronic petitions of the Quakers for the abolition of slavery in the District of Columbia, he had taken occasion to notify the House and the country that he had no sympathy with the views of the politicians, yet he joined the new agitators.

This new agitation in Congress began about 1834-5 and was continued with great violence for several years, a petition being presented by Mr. Adams, during the time, for the dissolution of the Union. After much exasperation of feeling growing out of the presentation of the petitions in both Houses of Congress and the circulation of incendiary publications, some respite from the excitement in Congress was obtained by the adoption of a rule in the lower House for laying petitions on the table on their presentation, without debate, and by the conservative action of the Senate. The agitation, however was continued at the North and began to have an important influence upon the canvass for the presidential elections. The law for the recovery of fugitive slaves, always inefficient because of the refusal or failure of the states' officers to enforce it, had now become a dead letter by the resistance to its execution by mobs and the still more mischievous action of several of the legislatures of the free states. The circulation of incendiary publications through the mails had been forbidden by Congress, but the Northern press was prolific in the production of gross libels upon the character of the people of the Southern states and misrepresentations of the institution of slavery as it existed there; even the Constitution of the United States was denounced by the new lights as "a league with hell and a covenant with death."

Arkansas had been admitted as a slave state in the year 1836 and Michigan as a free state in 1837; and in 1845 Florida was admitted as a slave state, the same act providing for the admission of Iowa, which was a free state, but did not come in until 1846.

On the 29th of December, the independent Republic of Texas was admitted into the Union as a state, and came in with slavery already established there. This admission, or annexation as it was called, of Texas, resulted in the war

with Mexico and the establishment, at the close of the war in 1848, of the Rio Grande as the southern boundary of Texas and the acquisition of the provinces or territories of New Mexico and upper California as United States territory.

The admission of Texas gave a new impulse to the anti-slavery agitation, and the acquisition, by the war, of the new territory brought it again prominently before Congress. Even before the close of the war with Mexico, the old proposition for the exclusion of slavery from the public territories was revived, with a view to its application to any territory that might be acquired as a result of the war, and it was then designated as the "Wilmot Proviso" from the name of the member re-introducing it. On all propositions to establish governments of the newly acquired territory, after the close of the war, the "Wilmot Proviso" was pressed with great vehemence by Northern politicians, and was strenuously resisted by those of the South.

The most extreme of the Southern politicians were willing to extend the so-called Missouri Compromise line of 36° 30′ to the Pacific ocean, and regard it as a final settlement of the question, but the Northern advocates of the proviso would listen to no terms for an adjustment, and thus again repudiated the principle and spirit of the settlement made by the Missouri bill. Southern statesmen, while willing to accept the line of 36° 30′ for the sake of peace, did not claim the right to foster slavery even upon the territory south of that line, by the action of Congress, but they claimed that the question should be left where the Constitution of the United States left it, that is, that the people settling in the territories should be allowed freedom to adopt their own institutions when they came to form state governments, and that Congress in the meantime should adopt no measures to forestall their action. They urged

that the territory was acquired by the common blood and treasure, and that Congress, therefore, in its action, should not give preference to one section over another and thus virtually exclude the people of the South from the newly acquired domain. This was a reasonable and just view of the subject, and did not look to the increase of the number of slaves, but merely to their expansion over a wider area, and the older states from the rapidly increasing slave population. Nor was the proposition to exclude slavery ever in the interest of freedom, for it sought merely to confine slavery to the country where it already existed, and thus surround the slave states with a cordon of free states, so as to increase year by year, the difficulties of prospective emancipation, and render any but a subversion of the institution by violence an impossibility. It was as injurious to the slaves themselves as to the white population of the states.

Had the would-be philanthropists been governed by an enlightened regard for the welfare or freedom of the slaves, they would not have objected to their introduction, either into the territory north of 36° 30′ or that acquired from Mexico, for with the greater eagerness existing at the North for emigration, as well as that from foreign countries and the want of adaptation of the soil and climate of the greater part of the territory, old and new, to the staples in the production of which slave labor could be profitably employed, it was certain that much the larger population settling in that territory would be from the free states and foreign countries, and it was equally certain that, when the people came to form new states, slavery would be prohibited and freedom given to the slaves within the limits of most, if not all of those states.

But fanaticism of no kind, whether political or religious, listens to reason, and among the pseudo-philanthropists there was much of the leaven of that old spirit, which had

prompted the hanging, burning and scourging of "heretics and witches."

There were many politicians by trade, whose aspirations had been unsuccessful and who cared nothing for the negro or the cause of freedom, but who fell in with the "free-soil" movement, as it was called with the selfish hope of building up a great sectional party under the auspices of which they could obtain and retain that power which they had failed to acquire otherwise. A very large mass of men rarely think for themselves and among this class the leaders of the "free-soil" operated extensively by impassioned appeals to their prejudices and passions, inducing them to believe that their vital interests required that slavery should be excluded by law from the territories. One of the shrewdest and most far-seeing of the "free-soil" leaders boldly declared that there was a "higher law" than the Constitution and that there was "an *impassable* conflict between slavery and freedom."

It cannot be denied that there were extreme men at the South on the other side, but they were made so mostly by the hostile attitude assumed by their opponents.

The result of the agitation was that for some time no government could be formed for any part of the new territory. The exasperation of feeling between the two sections of the Union, and the danger to that Union itself, became so great that in 1850 the more moderate of the leading statesmen of the country, with Clay and Webster at their head, devoted themselves to the adjustment of the threatening questions and their efforts resulted in the adoption of certain measures commonly called the "Compromise Measures of 1850." These measures consisted of a bill for the admission of California into the Union, under a constitution excluding slavery, which had been irregularly adopted a bill to establish a territorial government for Utah and a

bill to establish the northern and western boundaries of Texas with her assent, and to establish a territorial government for New Mexico, it being provided in the territorial bills that states created out of the two territories organized when the population should be sufficient, should be admitted into the Union with or without slavery, as the people themselves might decide.

Along with these bills another was passed for enforcing the provision of the Constitution in regard to the return of fugitive slaves, as the former one could not be executed because most of the free states had prohibited their officers from acting under it. These measures as a whole were not acceptable to the extreme men of either section, but the more moderate portion of the two leading political parties hoped that they would put an end to the agitation and restore peace and concord to the country. Such appeared to be their first effect, and both of the great political parties, into which the country had been divided, without reference to sections for many years—Democrat and Whig—in their platforms of principles adopted in the canvass for President in 1852, gave their adhesion to the "Compromise Measures of 1850" as a final settlement of the questions embraced by them.

In 1848, a portion of the "free-soilers" had run Martin Van Buren, a former President and a defeated candidate for the Democratic nomination, as their candidate for the Presidency, but the party did not have cohesiveness enough to give him its whole vote, and in 1852 the "free-soil" party had no candidate, the members of it voting with the parties to which they had previously been attached according to their predilections, though there was still much muttering by the leaders.

The abolition party proper, however, had a candidate for form's sake.

In 1848, Wisconsin had been added to the Union as a free state, and there were now in the Union sixteen free states and fifteen slave states, giving to the free states the preponderance in the Senate, as they had long had in the lower House. Neither Utah nor New Mexico was fitted at all for slave labor, and there was no territory out of which it was likely that another slave state could be formed, except by the sub-division of Texas, while there was a prospect for the formation of several more free states, at no distant day, out of the territory west of the Mississippi and north of 36° 30′ and on the Pacific coast, the territories of Minnesota and Oregon having already been organized.

By what was called the Compromise of 1850, the South had gained nothing whatever, except the abstract principle inserted in the Utah and New Mexico bills, of non-interference by Congress with the question of slavery and the submission of the decision of the question to the people of the territories when they came to frame their state governments, while the North had gained the rich and growing state of California. The bill for the restoration of fugitive slaves was in accordance with an express stipulation in the Constitution, without which it would never have been adopted. Yet the execution of this law was resisted from the very beginning and very soon most of the free states passed laws, called "personal liberty bills" which virtually nullified the act of Congress. Several collisions ensued between the United States officers in their efforts to execute the law and mobs in the free states who resisted its execution, and even members on the floor of Congress denounced the law and counselled resistance to it. This served to prevent that harmonious feeling which had been expected from the adoption of the measures of adjustment, and the new fugitive slave act became soon a dead letter from the danger, difficulty and expense attending its execution. Not

only was the guaranty contained in the Constitution, and the act of Congress to enforce it, thus rendered nugatory, but for many years slaves had been enticed by agents from the North to make their escape and aid had been furnished them while doing so, under a system which obtained the designation of "The underground railroad." This was not confined to citizens merely but was participated in by state officers who were sworn to support the Constitution of the United States, and instead of compelling their citizens and officers to comply with the Constitution and law, many of the free states passed laws to make it felony for the owner to arrest his slave or for any one to assist him.

At the session of Congress for 1853-54 in the introduction of a bill for the establishment of governments for the territories of Kansas and Nebraska, both north of 36° 30′, a proposition was made by Mr. Douglas, a senator from Illinois, to incorporate a provision in regard to slavery similar to that contained in the Utah and New Mexico bills. When the measure was offered by a Northern man, it was supported by nearly all of the Southern representatives as correct in principle, though it met with the opposition of a few Southern representatives and statesmen, who deprecated it as tending to arouse again the excitement which had partially subsided.

The question was not one of any great practical importance, as the climate and soil of Kansas and Nebraska furnished a more formidable barrier to the introduction of slaves than any legal enactment. The proposition to repeal the enactment as to the line of 36° 30′ violated no compromise, as has been shown, and it violated no right of any of the Northern states or people, but merely asserted a principle deducible from the Constitution and right in itself; though in this case it was an abstract one.

The measure was passed with the assistance of some of the Northern Democrats, and it had the effect so much dreaded by the conservative men who opposed it, of reviving with new intensity the fires of the former agitation and of giving new life to the languishing free-soil or Republican party. Though they had never acceded to or complied with the compromise in regard to Missouri or that of 1850, or even those of the Constitution itself, the leaders of the free-soil party raised a tremendous clamor about the violation of plighted faith, and soon the agitation spread over the whole North with ten fold force.

The Puritan ministers of New England, successors of the Cotton-Mathers of religious persecution and witches-killing notoriety, abandoned the gospel of peace for dissertations upon the merits of Sharp's rifles, and under their auspices a considerable number of armed emigrants were sent to Kansas. In consequence of this movement some hot heads from the South imprudently went to Kansas for the purpose of disputing the settlement of that territory with the emissaries of the New England parsons. The result was that a very disorderly condition of things ensued in the new territories, as is always the case where reason gives way to passion. Many wrongs and acts of violence were committed on both sides and there was a tremendous howl about "bleeding Kansas" by the Northern parsons and agitators, but not one slave was carried into Kansas and no one thought of carrying any there.

The result of the agitation consequent on the theoretic extension of slavery to Kansas and Nebraska, and of the troubles in Kansas, was the appearance of John C. Fremont as the Republican free-soil candidate for the presidency in 1856. He was beaten, but his vote showed the existence of a formidable sectional party, in all of the free states, based on a solitary idea. The strength of this party

was still further increased by an attempt to secure the admission of Kansas into the Union, under a Constitution liberating slavery and adopted by a convention held during the prevalence of the bitter feud there, but the most important result of the Kansas troubles was the development of the character of John Brown, a bold, desperate and fanatical Northern man, who made his appearance on the scene of action, and participated largely in the outrages committed by the free-soilers and abolitionists.

What gave the crowning stroke to the already over-heated animosity between the two sections, was the appearance of John Brown on a new theatre of action. The political parsons and the agitators of the North did not confine themselves to the denunciation of the Southern people and of slavery, but they lavished their anathemas upon the Constitution which tolerated slavery and the Union which gave it, as they alleged, protection. Nor were the denunciations confined to Northern pulpits and abolition or free-soil papers, but were heard in the Senate Chamber and on the floor of the House of Representatives, and were accompanied with the most atrocious libels on the Southern people, in which they were represented as barbarians who delighted in inflicting upon their slaves the most revolting cruelties, and who engaged in the most debasing immoralities. Encouraged by these open denunciations of the Constitution and the Union, and stimulated by the picture of Southern wrongs and cruelty to the slaves, which were constantly placed before his eyes, John Brown gave way to the wild conceptions of a fanatical mind and undertook to subvert the government of the United States and to redress the wrongs of the slaves by deluging the Southern states in blood.

In the year 1858, he held a secret meeting or convention of reckless fanatics like himself at Chatham, in Canada

West, and devised a scheme for a provisional government of the United States, of which he was to be the head, with a cabinet appointed by himself, and he concocted a plan for putting his government in operation by raising a rebellion among the slaves and freeing them. All of these proceedings were kept from the public until the month of October, 1859, when John Brown, with a band of followers, made his appearance suddenly at Harper's Ferry, within the limits of Virginia, surprised and captured the United States arsenal at that place, which was without a guard; killed several citizens; captured and imprisoned others, and committed a number of depredations and robberies in the neighborhood. His pretended provisional government was proclaimed and the object of the movement declared, but failing to receive some expected re-inforcements, and not meeting with co-operation on the part of the slaves for whom he brought a supply of arms and expected to get others from the arsenal, he and his band of desperadoes were soon surrounded and the greater part captured or killed. John Brown himself was made a prisoner in a wounded condition and he and several of his followers were tried under the laws of Virginia, convicted and executed for treason and murder.

His plan of operations contemplated a servile insurrection in all of the Southern states with all of the horrors of blood and rapine, and his acts amounted to treason, not only against the state of Virginia, but against the United States; yet there was reason to suspect that some of the leaders of the Republican or free-soil party, were cognizant of his designs if they did not secretly favor them. Certain it is that very great sympathy was openly expressed for him by many individuals and by public meetings at the North, and that the legislature of Massachusetts, by an almost unanimous vote, adjourned over so as not to be in session on the

day of his execution, avowedly as a mark of respect for him, and of condemnation at his execution.

When this desperate undertaking of John Brown to deluge the South with fire and sword, and the marked sympathy for him expressed at the North, were added to the failure of the Northern states to comply with their plighted faith in regard to the restoration of fugitive slaves—to their interference with the institutions of those states, the persistent libels upon the Southern people, the encouragement given to the slaves to revolt by incendiary publications, the attitude of hostility assumed by a great number of the Northern representatives to the South on every occasion in which anything had been proposed or done in regard to slavery, and to the rapid growth of the party now coming into the ascendency on the ground of enmity to the South and her institutions—it may be well conceived that a profound sensation was created in the latter section.

South Carolina then proposed some agreement between the Southern states, for the purpose of withdrawing from a compact, the obligations of which had been so disregarded, but Virginia discouraged this proposition, as she was exceedingly loth to take any step looking to the severance of a Union which she had done so much to establish, and for which she had made so many sacrifices.

By the commencement of the canvass for the Presidency in 1860, the Democratic party had become divided on the question of the construction of the slavery clause in the Kansas-Nebraska bill: that is whether the power to exclude or adopt slavery could be exercised by the people of the territories while in the territorial condition. Mr. Douglas and the greater portion of the Northern Democrats contended for the former view, while nearly all of the Southern Democrats advocated the latter. It was contended by the Southern Democrats with great force and justice that if

Congress did not have the power to exclude slavery, the legislatures of the territories, which derived their powers from the acts organizing the territories could not have that power. This view was conclusive, for the territorial legislatures, being now temporary bodies deriving their sole powers from the acts of Congress, could not exercise greater powers than the body which created them, while the people, when they came to form constitutions, under that clause of the Constitution of the United States providing for the admission of new states on the same footing with the old, were necessarily vested with that sovereign power over this subject and all others which belonged to the original states.

The Northern Democrats contended for what was called "Squatter Sovereignity," that is, that this sovereign power of legislation vested in the settlers of the territories from the beginning, and to propitiate the free-soil sentiment, many of them contended that the clause in the Kansas-Nebraska bill secured the territories to the north and free-soil more effectually than could be done by Congressional legislation, as settlers from the North could more readily take possession of the territories and exclude slavery from them, than settlers from the South could introduce slavery there, while in Congress the Southern Representatives especially in the Senate where the sections were more nearly equal, could, with the aid of a few Northern men, prevent any interferfence with slavery. This view of the subject made the doctrine of squatter sovereignty even more offensive than what was called the Wilmot proviso, and Southern men contended that it was a trap to entrap them.

It was in fact not a question of construction of the clause in the Kansas-Nebraska bill but of the Constitution itself. If Congress had no power to legislate on the subject, then it could delegate none, and if there was such a thing as "squatter sovereignty" it extended to all other subjects as

well as to slavery, and the settlers in the territories might set up for themselves without any authority from Congress, which would involve some very extraordinary consequences, including that even of disposing of the public lands. The squatter sovereignty view of the question was one not to be tolerated; and it applied to the Utah and New Mexico bills as well as to that in regard to Kansas and Nebraska.

The great mass of Southern Whigs agreed with the Southern Democrats in their way of interpreting the principle, but they did not regard the question as one of sufficient practical importance to make a fight over, and old party divisions and feuds prevented a coalescence of all of the Southern men.

Though considered by many an abstract question, as it certainly was so far as it applied to Kansas and Nebraska, it seemed to divide the Democratic party into two wings, a Northern and a Southern one, with some adherents to either wing from the opposite section. This division resulted in the nomination of two sets of candidates by the Democratic party—Douglas of Illinois and Johnson of Georgia by the Northern wing, and Breckenridge of Kentucky and Lane of Oregon by the Southern wing. The Republican free-soil or abolition party nominated Lincoln of Illinois and Hamlin of Maine, while the Southern Whigs and a remnant of Northern Whigs, who had not fused with the free-soilers and abolitionists, nominated Bell of Tennessee and Everett of Massachusetts. The advocates of this latter ticket proposed to sink every other issue and stand for "The Union, the Constitution, and the enforcement of the Laws."

At the election in 1860, Lincoln and Hamlin received the majority of the popular vote in nearly all of the Northern states and by that vote alone secured a majority of the votes of the electoral colleges, but they lacked very nearly

1,000,000 votes of receiving a majority of the combined popular vote of the United States. In this election the Southern people were unanimous in their opposition to Lincoln and Hamlin though divided as to the other candidates, the few thousands of votes given on the border for the Republican ticket, being given by Northern men who had emigrated across the line, and amounting to a very inconsiderable fraction.

It was the first time in the history of the Government that a mere sectional candidate had been elected and this was done upon sectional issues alone. This result presented an alarming state of things and developed the fact that under a Republican form of Federal Government, with suffrage nearly universal, it was perfectly practicable for a minority to get possession of the government on sectional issues and perhaps control it permanently. There had been, before, presidents elected by a minority popular vote, but this was on National issues and the support of the successful candidate was confined to no particular section. Of the thirteen presidents elected, seven had been elected from Southern states, and all of them received majorities of the popular vote except Mr. Polk of Tennessee, and his principal opponent was Mr. Clay of Kentucky, a Southern man.

Six had been selected from Northern states, and but one of them, Harrison of Ohio, but a native of Virginia, received a majority of the popular votes.

Of the Southern presidents, Washington's electoral vote was unanimous. Jefferson received twenty Northern electoral votes at his first election, and all but nine of them at his second. Madison received a majority of Northern electoral votes at his first election and forty of them at his second. Monroe received a very large majority of Northern electoral votes at his first election and all but one at his last, that being the only vote cast against him. Jackson

received 73 Northern and Northwestern electoral votes out of 147 cast, at his first election and a very large majority at his second election. Polk received 103 of the same vote to 58 cast for Mr. Clay and Taylor received a large majority of the same vote.

Of the Northern presidents, John Adams received 12 electoral votes from the South. John Quincy Adams received six electoral votes from the slave states and was elected by the House of Representatives, receiving the votes of several slave states. Van Buren received 61 out of 126 votes cast by the slave states, 28 of the rest being cast for Harrison. Harrison received a large majority of Southern electoral votes, as did Pierce and Buchanan and in every election the majority of Northern electoral votes had been cast for the successful candidates, except at Jefferson's first election, Madison's second, Jackson's first and Buchanan's election and in this the majority of that vote had been cast for Fremont, the sectional Republican candidate. Two vice-presidents, Tyler from Virginia and Fillmore of New York, had succeeded to the presidency by the deaths of the incumbents and both of them had received majorities of the popular vote as well as of the Northern electoral vote.

Lincoln's election therefore was the first instance of the election of a mere sectional president. It was very evident that if the party electing him continued in possession of the government for any length of time, there would inevitably follow a subversion of the rights of the states and a consolidation of all power in the Federal government under the control of a sectional majority, not a majority of the whole. This form of consolidation promised to be infinitely worse than an entire obliteration of all state lines and a concentration of power in the hands of the entire people.

Under the circumstances attending the election of Lincoln, those of the Southern states which are usually designated the "Cotton States" deemed that their own safety required their withdrawal from the Union, and they consequently withdrew. The legislature of South Carolina was in session for the purpose of appointing electors for president, and when the result was ascertained, a convention for that state was called, which adopted an ordinance of secession on the 20th of December, 1860. Georgia, Florida, Alabama, Mississippi and Louisiana soon followed the example of South Carolina, and a Congress of the seceding states met at Montgomery, Alabama, early in February, 1861, and organized a provisional government under the style of the "Confederate States of America," of which the Honorable Jefferson Davis, of Mississippi, was appointed President, and the Honorable A. H. Stephens, of Georgia, Vice-President.

Texas had previously adopted an ordinance of secession which went into effect when it was certified by the popular vote and that state soon afterwards became also one of the Confederate States.

A permanent constitution was adopted for the Confederate States to go into effect on the 22d of February, 1862, modelled after that of the United States, but containing some changes in the details and the powers delegated, with more ample recognition of states rights and a prohibition of the introduction of slaves from any other than the slave-holding states and territories of the United States.

The secession of these states had been without violence, except to take possession of some forts and arsenals of the United States within the limits of the seceding states, which had been accomplished without bloodshed. Commissioners were appointed to the United States government, to effect a peaceful settlement of all questions between the

two governments in regard to the public debt, territory, etc.

This change in the relations of the seceding states to the United States resulted in no change whatever in the domestic affairs of those states, but they continued to be regulated as before under the laws and constitutions of the several states.

CHAPTER V

Action of the Border Slave States — Convention of Virginia

The "Border Slave States," as they were called, including North Carolina, Tennessee and Arkansas, which immediately joined the "Cotton States" on the south, though equally appreciating the outrages upon their rights and the dangers to be apprehended in the future, were not at first disposed to secede, as they had cherished such an habitual attachment to the Union that they were exceedingly loth to give it up, being governed by that sentiment described in the Declaration of Independence in the assertion "that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed."

The majority of the people of those states were actuated by hope that the party which was about to obtain possession of the government would not long hold together, and they trusted that the sober second thought of the people of the North would keep the dominant party within bounds until it could be ejected from power, and that in the meantime guaranties might be obtained for the rights of the states, so as to bring the government back to a conformity with its original designs, and effect a restoration of the Union. This was especially the case with the State of Virginia, which had made so many sacrifices to establish and perpetuate the Union, which in great part had been the work of her own hands. The legislature of Virginia was in session when the secession of the "Cotton States" began, and the crisis was of such a threatening nature that an act was passed, providing for the assemblage of a convention,

vested with the sovereign power of the state, but directing at the same time, that a vote should be taken upon the question of any ordinance of secession which might be adopted, and that it should be submitted to the popular vote for ratification before it should be effectual. The legislature also by resolution, invited a convention of commissioners from all of the non-seceding states, North and South, to assemble at Washington for the purpose of consulting upon and devising some plan for adjusting the pending difficulties with a view to a restoration of the Union. This latter convention assembled and was known as the "Peace Convention."

The election for members of the Virginia convention took place on the first Monday in February, 1861, and a large majority of the delegates elected were opposed to secession. The convention assembled at the Capitol in Richmond, on the 13th of February, and a decided union man, Mr. John Janney, of Loudoun, was chosen President. A deliberative body containing more general talent and worth had rarely, if ever, assembled in the state, and all of the members seemed to be impressed with the momentous character of the crisis. This convention contained one distinguished gentleman who had been President of the United States, another who had been governor of the state, a number who had filled seats in the Federal Congress, two who had been heads of departments in the Cabinet at Washington, besides many others among the most talented and distinguished statesmen and lawyers of the state.

There was a variety of sentiment among the Union members as to the terms upon which it would be safe for the state to remain in the Union, but a very large majority were earnestly in favor of some adjustment in the way of amendments to the Constitution of the United States, by which the seceded states could be induced to return, while

the members favoring immediate secession constituted a very small minority. A committee was at once appointed, which after considerable deliberation reported a plan of adjustment for submission to the other states through Congress, after its adoption by the convention. In the meantime the Peace Convention which assembled at Washington, had adopted a proposition for adjustment which met with no favor at the hands of the Republican members of Congress, and was not entirely satisfactory to a majority of the Virginia Convention. Propositions of compromise in Congress had also failed.

The Virginia Convention engaged earnestly in the discussion of the report of its committee and counter propositions, and continued it until the month of April, having in the meantime voted down, by a very large majority, a direct proposition for secession.

It is difficult to describe the intense anxiety felt by most of the members of the convention to preserve the peace of the country and effect an amicable settlement of the troubles. Lincoln had been inaugurated president on the 4th of March, and had delivered an inaugural address that was enigmatical in its terms. During the whole of the discussion which was progressing in the Virginia convention, the members engaged in the effort to preserve peace and restore the Union, received no offer whatever of co-operation from the occupant of the White House, and no direct answer ever reached them as coming from him to persons who approached him on the questions engrossing all hearts and minds in the state.

In the early part of April, the convention had become very anxious in regard to the uncertain condition of things, and appointed a committee of three of its members, of great ability and experience to wait upon Mr. Lincoln and ascertain from him, in a respectful manner, what course he

proposed to take in regard to the seceded states. This committee reached Washington a little before the attack on Fort Sumter in Charleston Harbor, and had an interview with Mr. Lincoln, receiving very little encouragement from him. While the committee was awaiting a formal answer, which was promised, the news of the commencement of the bombardment of Fort Sumter was received, and the reply from Mr. Lincoln appeared in extra issues from the press without having been communicated to the committee.

This reply was enigmatical in its terms like the inaugural, but was rather stronger on the question of coercion. The committee at once returned and reported to the convention the result of its mission, and Fort Sumter having fallen, a proclamation from Lincoln soon followed, on the 15th of April, calling on the states, Virginia included, for 75,000 troops "to repossess the forts, places and property which have been seized from the Union."

There was no mistaking that this meant war on the seceded states, and the Virginia convention went into secret session, when an ordinance of secession was introduced by Mr. Ballard Preston, Chairman of the Committee, which had waited on Lincoln, and up to that time an opponent of secession. After a very earnest discussion, that ordinance was adopted on the 17th day of April.

A number of members of the convention, including myself, who afterwards fully sustained the action of the state, voted against the passage of this ordinance with the hope, even in that stage of the contro..rsy, that the people of the North would not respond to the call of Lincoln for troops, and that a disruption of the Union and the horrors of war might still be avoided. The scenes which occurred during the discussion which ensued after the convention went into secret session, were characterized by a solemnity rarely witnessed in a deliberative body and several mem-

bers while speaking were unable to restrain their tears. As for myself, it was exceedingly difficult to surrender the attachment of a lifetime to that Union which had been cemented by the blood of so many patriots, and which I had been accustomed to look upon (in the language of Washington) as the palladium of the political safety and prosperity of the country, and therefore I had hoped even against hope, but I soon became convinced fully that the action of the convention was right, and that it could have pursued no other course, consistently with the honor and dignity of Virginia, and in this opinion I have remained firmly fixed, notwithstanding the result of the war which ensued.

After the passage of the ordinance of secession, provision was made for submitting it to the popular vote for ratification, at the elections to be held on the fourth Thursday in May. In the meantime steps were taken for placing the state in a condition of defence, and an ordinance was passed directing the governor to call into service of the state as many volunteers as might be necessary to defend it against invasion. Colonel Robert E. Lee, a native and citizen of Virginia, who had resigned his commission in the United States Army on hearing the action of his state, was appointed by the governor, with the consent of the convention, commander-in-chief of all of the forces of the state with the rank of Major General.

In the meantime an arrangement was made with the Confederate Government for assistance in defending the state, in the event of an attempt by the government at Washington to march troops into or through it with a view to an invasion of any of the seceded states, and the Confederate Government was invited to remove to the City of Richmond.

The convention remained in session until the first day of May, when it adjourned over to the second week in June to await the result of the popular vote on the ordinance of

secession. The ratification was given by an overwhelming majority of the popular vote, and upon the re-assembling of the convention the ordinance was duly signed by the greater part of the members. I had voted for the ratification at the polls and now put my signature to the ordinance.

Virginia now had fully and completely dissolved her connection with the United States, and resumed the powers she had delegated when she ratified the Constitution. To this step she had been impelled against her previous inclinations, by the course of the government at Washington, to avoid being dragged into an unholy war against the Cotton States, and to maintain the cherished principles for which she had fought, and which she had uniformly asserted since the adoption of the United States Constitution. When the act of secession was complete, she adopted the Constitution of the Confederate States, both provisional and permanent, and was fully admitted into the Confederacy.

North Carolina, Tennessee and Arkansas likewise withdrew from the Union and became members of the Confederacy for the same reasons which influenced Virginia. Missouri subsequently passed an ordinance of secession and joined the Confederacy, but that state was soon overrun by United States troops, and the regular government was subverted and another substituted in its place by the force of Federal bayonets. Kentucky undertook to occupy a neutral position until the greater part of that state was in the power of the Federal troops, when an irregular government was formed which passed an ordinance of secession and joined the Confederacy. The situation of Maryland was such that she was soon overrun by troops and prevented any legislative expression of opinion, the members of her legislature being seized and imprisoned. Little Delaware was so situated that its voice was never heard at all.

CHAPTER VI

The Right to Withdraw

The causes which led to the secession of the Southern States have never been given, and when they are compared with those which led to the American Revolution as given by the First Continental Congress, the latter sink into comparative insignificance. A large portion of the wrongs complained of in the Declaration of Independence were acts committed after the commencement of the collisions between the British troops and the Colonists, and if these were compared with those committed by the Federal troops in the beginning of the war, in Maryland, Kentucky and Missouri, to say nothing of the long list of outrages perpetrated during its progress, the indictment against King George contained in the eloquent language of the Declaration of Independence, would be a very tame affair in comparison with that which could be preferred against the Government at Washington.

The third article of the Confederation had specified the object for which it had been formed, and that it was "A firm league of friendship" for the common defence, the security of the liberties and the mutual and general welfare, and that the states bound themselves to assist each other against all force offered to or attacks made upon them or any of them "on account of religion, sovereignity, trade or any other pretense whatever." The preamble to the Constitution recites that it was made "to form a more perfect union." More perfect how? To the subversion of the liberties and sovereignty of the states? Had the conduct of the Northern States been that of the members of "a firm league and friendship?" And when they had so flagrantly violated and neglected the plain stipulations of the

Constitution, did not the Southern States have the same right to withdraw from the connection with them, that the colonies had to withdraw from the connection with Great Britain, because the government which had been instituted for "the common defence and general welfare" had become "destructive of those ends?"

Who was to judge of whether there was a necessity for severing the connection, the oppressor or the oppressed? If the former, then the decision would have been against the colonies. If colonies, the mere offshoots from the mother country, could undertake to judge the sufficiency of the grievances and the mode and measure of redress, could not sovereign states which had framed the government of which they complained, do the same thing? In seceding from the Union, the Cotton States had acted as states, and not as factious individuals resisting the laws or authority of the government. The right of no one had been violated, and it was not proposed to violate the rights of any individuals or states, but merely to dissolve a compact, the terms of which had been violated. To undertake to coerce those states by military force was subversive of the whole spirit and purpose of the Constitution, and made the government the master, instead of the agent, of the powers which had created it. This doctrine of coercion had never been asserted by any respectable statesman since the foundation of the government, and was at war with all of its principles and aims. When therefore the other states were called upon to engage in this war of coercion against the Cotton States, it was not only their right but their duty to resist. By the very terms of the Constitution, it was made the duty of the Federal Government to protect the states against invasion. Did that government have the right to invade the state it was bound to protect? It was not authorized even to protect the states against domestic vio-

lence except upon invitation of the legislature or of the executive, when the legislature was not in session. Was it authorized to create that domestic violence? The power of coercion involved the anomalous consequence of reducing the states to conquered provinces when exercised, and this involved the self-destruction of the government itself.

In regard to this question of the right of the states to withdraw, and the power of coercion, it is not inappropriate to call attention to the following views expressed by Mr. Horace Greeley, one of the ablest writers and firmest supporters of the Republican or abolition party. In an article published in the *New York Tribune* a few day after the election of Lincoln in 1860, and reproduced in his work styled "The American Conflict" he says:

"That was a base and hypocritic row that was once raised at Southern dictation about the ears of John Quincy Adams, because he presented a petition for the dissolution of the Union. The petitioner had a right to make the request; it was the member's duty to present it. And now if the Cotton States consider the value of the Union debatable, we maintain their perfect right to discuss it. Nay! we hold, with Mr. Jefferson, to the inalienable right of communities to alter or abolish forms of government that have become injurious or oppressive, and if the Cotton States shall decide that they can do better out of the Union than in it, we insist upon letting them go in peace. The right to secede may be a revolutionary one but it exists nevertheless, and we do not see how one party can have a right to do what another party has a right to prevent. We must ever resist the asserted right of any state to coercion in the Union, and nulify and defy the laws thereof; to withdraw from the Union is quite another matter. And whenever a considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures

to keep it in. We hope never to live in a republic whereof one section is pinned to another by bayonets.

"But while we uphold the practical liberty, if not the abstract right of secession, we must insist that the step be taken, if ever it shall be, with the deliberation and gravity becoming so momentous an issue.

"Let ample time be given for reflection, let the subject be fully canvassed before the people, and let a popular vote be taken in every case before secession is decreed. Let the people be told just why they are asked to break up the Confederation; let them reflect, deliberate, then vote; and let the act of secession be the echo of an unmistakable popular fiat. A judgment thus rendered, a demand for separation so backed, would either be acquiesced in without effusion of blood, or those who rushed upon carnage to defy or defeat it, would place themselves clearly in the wrong."

It would be hard to conceive language more forcible for defining the right of the states to withdraw and the wrong and criminality of the attempt to coerce them when they had exercised that right, than this of Mr. Greeley's. It derives additional force as coming from him, when it is recollected that he had ever been inimical to the institutions of the South, and it announced principles which had been previously asserted in all questions of the Union, and underlay the whole superstructure of a government which itself was founded on the right of revolution. It is difficult to realize the fact that the man who uttered language like that quoted, subsequently became one of the most strenuous advocates of the war of coercion, which was waged on the Southern states. Mr. Greeley cannot avoid the effect of his statement of the principles asserted in his article, by contending that the act of separation was not "the echo of an unmistakeable popular fiat," and that the Southern people

were precipitated into secession without due deliberation.

When the right to discuss, deliberate and decide, exists, those possessing it, must necessarily be the sole judges of how it is to be exercised. The Southern states did deliberate and did decide that they could no longer remain in the Union with safety, and therefore they determined to withdraw from it. If the Southern people had been hurried into secession by their leaders, they are the parties to complain and to hold the guilty ones responsible. They have not done so, and what right had Mr. Greeley and his party to become their champions against their wishes? He and his party are estopped from denying that the Southern people, did with almost entire unanimity, adopt secession and willingly gave their support to the cause of separation; for since their country was overrun by a superior military force, their state governments overthrown; military despotisms established over them; and in the effort to reconstruct the Union, the great mass of the people disfranchised, and the right of suffrage given to the freed slaves, because it was alleged that the Southern people were still rebellious, and so wedded to the idea of secession, notwithstanding the bitter experience of the war, that they could not be trusted with the right to vote and hold office. All of this was done with Mr. Greeley's full knowledge and sanction.

It has been shown how long, how earnestly, and how anxiously the question was discussed in Virginia, and that secession was resorted to by that state only when a war of coercion had been proclaimed, and she had been required to furnish troops to carry it on. The state of Virginia believed, with Mr. Greeley, that it would be a grievous wrong to "rush upon carnage to defy and defeat" the right of the Cotton States to withdraw from the Union; and she determined to do what he had declared his purpose of doing: that is "resist all coercive measures." The ordinance of

secession was submitted to the popular vote at an election held more than one month after its adoption by the convention, and it was ratified by an overwhelming majority, thus showing beyond dispute that it was "the echo of an unmistakable popular fiat." Did not "those who rushed upon carnage to defy and defeat" "a judgment thus rendered, a separation so backed," "place themselves clearly in the wrong?"

Yet Virginia was the first of the seceding states invaded by the Federal army; her towns and plains were devastated by a long and cruel war; her people plundered, imprisoned and murdered; her territory severed, and a new state erected within her limits, in violation of the Constitution of the United States. Subsequently a military despotism was thrust upon them, and the freed slaves were vested with the right of suffrage and the capacity to hold office, while such wide measures of disfranchisement were adopted that enough men competent to fill the petty offices of state, even with those whose fears and cupidity led them to apostatize and the influx of adventurers could not be found in all the limits of that old commonwealth which has been designated "the mother of states and of statesmen."

In the case of Maryland, Kentucky and Missouri, the people were overrun by Federal troops owing to the peculiar nature of their situation, and they were deprived of the opportunity of freely discussing and deliberating upon the questions involved, though the legislature of Missouri did pass an ordinance of secession. Did not those people, under such circumstances, have the right individually to resist so flagrant an outrage upon their rights and liberties? They were not only deprived of the liberty of peaceably assembling to discuss their grievances, but it was sought to deprive them of the right "to keep and bear arms," as expressly guaranteed by the second amendment to the Con-

stitution, in order that they might have the means always of defending their liberties and rights, and the only resource they had was to unite as individuals in the defence of the common cause, and of their own violated homes and liberties.

It has been said that the Confederate states began the war by firing upon Fort Sumter. If those states had the right to withdraw from the Union and the United States had no right to resist or coerce them then the attempt to maintain a garrisoned fort in one of the most important harbors of the Confederacy, was an act of war. This had, nevertheless, been patiently borne with, for nearly three months after the secession of South Carolina, in whose principal harbor the Fort was situated, and it was only when the Government of the United States had given notice of its intention to supply Fort Sumter "peaceably, if possible, otherwise by force," and the vessels for that purpose had appeared off the harbor, that the attack began. The commissioners sent to Washington to effect a peaceable settlement of all questions had then been denied an audience, and informed that the authorities at Washington would hold no intercourse with them.

The war was thus inevitable, and the Federal authorities were quietly preparing for it, in order to entrap the border states. The threat to supply Fort Sumter indicated a purpose of war; was then the Confederate Government to wait until the measures of the Government at Washington had been so completely taken that the former would find itself helpless in the hands of its enemy? The port of Charleston was necessary to it as an inlet for obtaining supplies and arms for its defence, was it then to allow the port, which could block the entrance to that harbor, to be placed in a condition to render the blockade complete, the harbor worthless and Charleston untenable?

There can be no question of the right of the Confederate Government to force a surrender of the fort, which had been refused, and that it was fully warranted in pursuing the course it did. I must confess that, at the time, I deeply deplored and condemned the attack on Fort Sumter, on the score of policy, because I regarded the threat of the Washington Government as designed to provoke a commencement of the conflict by the firing of the first shot, and not intended really to be carried into effect. It is now manifest that war had already been resolved upon, and the firing of the first gun on Fort Sumter was not its commencement. The war was begun by the attempt to hold the forts in the Confederate harbors.

It has been alleged that the Southern States had previously controlled the policy of the government, and that they seceded because they had now lost that power. There had never been a president elected from any of the Cotton States, which established the Confederate Government except from Louisiana, of which state General Taylor was a nominal resident, but really a native of Virginia, and an officer in the army, and he lived but a little over a year after his inauguration. These Cotton States had furnished comparatively few cabinet ministers, and they had in the main been opposed to the policy pursued by the government in regard to the most important branches of legislation, such as internal improvements, the public lands, tariff, etc. Their leading interest, the culture of cotton, had received no fostering care whatever from the government, and South Carolina had been complaining for more than thirty years that her interest had been sacrificed to Northern cupidity by high tariff and at one time she had taken steps to nullify the laws on that subject. In no sense could the state which initiated secession, be said to be actuated by disappointment at the loss of Federal power.

It is true that they had lost the power to protect themselves in the Union, as the Constitution had been so flagrantly violated and were now threatened with submission—and for this they seceded.

The state of Virginia had given four of the Southern presidents to the Union, and Tennessee the other two. Washington had been the unanimous choice of all of the states; Jefferson, Madison and Munroe had been national men in their policy and had received the support of a large majority of the Northern vote; Munroe being accepted without opposition at his last election and receiving all of the votes, North and South, but one northern electoral vote. Munroe was the last Virginian elected or nominated as President. It is true Tyler had succeeded to the office by the death of Harrison, but he had not received the vote of Virginia even as vice-president.

Virginia had voted against Clay, Harrison, Taylor and Scott, all natives of the state, when they were candidates for the presidency, and she had cast her vote three times against Mr. Clay, and in the cases of Harrison, Taylor and Scott, her vote had been cast for Northern men against them. All of the presidents she had given had been re-elected, because there was nothing sectional or local in their policy, while no Northern president had been re-elected, though three out of the six had been candidates again. In the election of 1860, the state of Virginia cast its vote for Bell and Everett, by a plurality vote over Breckenridge and Lane, and Douglas and Johnson, showing that in this election she was not liable to the charge of sectionalism, even if that charge could be brought against the supporters of Breckenridge and Lane, which is by no means admitted. No interest of Virginia had at any time been fostered by the action of the government, in any stage of its history, and the government had not even taken steps to obtain

from foreign countries a diminution of the enormous duties placed on her leading staple, tobacco, but her statesmen, when in office, had pursued a policy looking to the general welfare and prosperity. If she had furnished many statesmen to the common councils, it was because of the general confidence in their patriotism, and freedom from all selfish ambition and narrow-minded notions of policy.

Her history from the beginning of the controversy with Great Britain had been one of sacrifices for the benefit of all of the states. She had promptly sent troops to Massachusetts on the commencement of the war of the Revolution in that state, all of its battlefields were red with the blood of her sons; and that war had been terminated on her own soil. With a territory larger than that of all of the other states at the conclusion of peace, she had surrendered an empire beyond the Ohio river, for the sake of Union and for the common benefit; and subsequently, she had consented to the erection of the state of Kentucky within her remaining territory.

As the acknowledgement of the independence of the states had left her, she would have been amply able to take care of herself, and erect a powerful government of her own, yet she had contracted her power and narrowed her limits for what she considered the common good.*

The Union had not advanced her pecuniary or material interests, yet, in all of its trials, she had been its firmest

*NOTE—The following extract is from the "History of the American Civil War" by Professor Draper, a Northern Union man, which shows the nature of Virginia's sacrifices: "At the time of the Declaration of Independence, Virginia was the most powerful of the colonies; she occupied a central position and had in Norfolk one of the best harbors on the Atlantic. She had a vast western territory, an imposing commerce, and in the production and export of tobacco not only a source of wealth, but from the mercantile connections it gave her in Europe, a means of refinement. It was through this circumstance that so many of her

supporter and her blood had been freely shed in all of its wars and upon all of its battlefields. It was only where that Union was to be perverted from its original designs and made the means of humiliating and degrading the Southern states, herself included, that Virginia resolved upon severing the connection.

On the other hand, New England had made no sacrifices for the Union, and had received only benefits from it. To that section the Union had been a "paying operation" in every way: its fisheries, commerce and factories had been fostered and protected by high bounties and duties until its comparatively sterile soil bloomed as a garden, while its surplus population found homes in the fertile region surrendered by Virginia. Descendants of the Puritans did not undertake to become "philanthropists" until the slave trade with the South ceased to be profitable.

Nothwithstanding the benefits received by the New England states from the Union, the first proposition for its dissolution came from those states when the country was engaged in a foreign war—the war of 1812 with Great Britain—because that war was caused by a temporary suspension of their commerce. Most of these states refused to permit their militia to be marched beyond their limits for the common defence and the question of a separate peace with the public enemy was mooted, notwithstanding the fact that the war had been undertaken in defence of com-

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young men were educated abroad. When the epoch of separation from the mother country had come, and the question of Confederation arose, she might have asserted her colonial supremacy; she might have been the central power. Many of her ablest men subsequently thought that in her voluntary equalization with the feeblest colonies, the spontaneous surrender of her vast domain, the self-abnegation with which she sacrificed all her privileges on the altar of the Union, she had made a fatal mistake. In her action there was something very noble."

mercial rights in which New England was principally interested. Such was the spirit manifested in that section that the British government in declaring a blockade for the coast of the United States, for some time exempted the New England coast from that blockade and did not invade those states.

Upon the passage of an act for a general embargo in 1814, so as to put a stop to the contraband trade from New England, the Massachusetts legislature was flooded with petitions for redress and protection against the act of the Federal government in enforcing the embargo, and a committee to which the petitions were referred, made a report in which the following views, among others, were expressed:

"The sovereignty reserved to the states, was reserved to protect the citizens from acts of violence by the United States, as well as for the purposes of domestic regulation. We spurn the idea that the free, sovereign and independent State of Massachusetts is reduced to a mere municipal corporation, without the power to protect its people or to defend them from oppression from whatever quarter it comes. Whenever the national compact is violated and the citizens of this state are oppressed by cruel and unauthorized enactments, this legislature is bound to interpose its power and to wrest from the oppressor its victim."

To show the spirit animating the people of Massachusetts in the assertion of these doctrines—however true they might be in principle—when the news was received of the abdication of Buonaparte and the restoration of the Bourbons in 1814—thus leaving the British government at liberty to employ all of its forces against the United States, the people of Massachusetts as well as of all New England hailed the news with joy and exultation, "as the harbinger of peace and the renewal of commerce;" and the event was

celebrated at Boston by a religious ceremony and a sermon from the celebrated Dr. Channing.

In the fall of 1814, the legislature of Massachusetts invited a convention of the New England states, which assembled in Hartford in December of that year and adopted a series of resolutions in which it was declared, among other things, that, "In cases of deliberate, dangereous and palpable violations of the Constitution, affecting the sovereignty of a state and the liberties of a people, it was not only the right but the duty also of that state, to interpose its authority for their protection, when emergencies occur, either beyond the reach of the judicial tribunal or too pressing to admit of delay incident to their forms; states which have no common umpire must be their own judges and execute their own decisions." The danger to the Union from these steps on the part of Massachusetts and the other New England states, in a time of public war, was put to an end by the unexpected arrival of the news of a treaty of peace; this perhaps prevented the former state from proceeding to assert her sovereignty and making a separate peace with Great Britain.

In fact in 1809, during the existence of the troubles growing out of the embargo passed before the close of Mr. Jefferson's administration, John Quincy Adams had communicated to the government at Washington that the object of the dominant party in Massachusetts was, and had been for several years, the establishment of a separate confederacy, as he knew from unequivocal evidence; and that in case of a civil war, the aid of Great Britain to affect that purpose would be assuredly resorted to, as it would be indispensably necessary to the design.

There was strong reason to suspect that during the war some secret arrangement existed with the enemy, by which New England withheld from the country the support of

her troops and her soil was kept free from invasion. In all the measures then resorted to in order to embarrass the government, Massachusetts took the lead, yet when a war of invasion and subjugation against the Southern states was waged, Massachusetts found no constitutional difficulties, had no scruples about sending her troops into the South.

The idea that any of the Southern states resorted to secession because of the loss of the power and patronage of the government is not founded on fact, as neither had ever been used for their special benefit even when in the hands of Southern men, but it was the Northern states whose trade and factories had grown up under the fostering care of the government throughout its whole history, while the schools of the Northwest had been richly endowed from the public lands and the gigantic system of railroads in the same quarter had been built up mainly from grants of this common property.

It has been further alleged that it was the slave power which attempted to break up the government, because of its defeat, and that that power had hitherto controlled the government in its interest. In the first place, it is as well to state that as far as the executive branch of the government was concerned, there had been nothing of which to complain on the part of the Southern people. The great difficulty had been with the legislative department, which always manifested a disposition, more or less, to be aggressive on the subject of slavery, and the Southern people looked to the executive to interpose its conservative influence. The preponderence of Northern men in Congress, already increased by the admission of Oregon and Minnesota, and soon further to be increased by the admission of Kansas, had become so great, that the only hope of the South was in the executive, and when that branch of the

government was also sectionalized, there was no safety for the weaker section. The people of the South had never asked the government to protect slavery; they had merely asked that it should be let alone, and left where the Constitution left it.

In entering the Union, they had stipulated for a government for certain general purposes, and not one to regulate their domestic affairs; and they claimed that the government should be confined to the purposes for which it was instituted. That government had in no way acted so as to strengthen slavery, and it had not been able to comply with the express stipulation for the return of fugitive slaves. Slavery had been excluded from an immense territory by the action of the government, but it had not been carried to one foot of territory by that action. All of the new states east of the Mississippi, except Florida, had been formed out of territory originally belonging to the slave states, and they had been admitted into the Union under that provision of the Constitution which declared that such states should be admitted upon the same footing in every respect with the original states and to add to this obligation not to interfere with their domestic institutions, the states ceding the territory had expressly stipulated that there should be no interference with slavery.

Louisiana came in by treaty as slave territory, and with a stipulation for the protection of the people in their property. Out of that territory, three slave states had been formed, and they were the last there was any prospect of forming; while the free states of Iowa, Oregon and Minnesota had already been admitted from the same territory with the prospect of the speedy admission of Kansas and Nebraska and the not remote prospect of an indefinite number of other free states from the same territory. Texas had come in as a state from the condition of

an independent republic and the measures leading to her admission had resulted in the acquisition and admission of California as a free state with a prospect of more free states from the territory acquired. So that in every case of the introduction of new slave territory into the Union, there had been largely more than equivalent in territory for the formation of free states except in the case of the slave territory of Florida; and when that was acquired the vastly larger and more important slave territory of Texas had been surrendered. It is not a fact, then, in any sense of the term, that the government had been used for the protection and growth of the slave power. That power, if it might be called such, was relatively stronger the day the Constitution was formed than it was ever afterwards.

CHAPTER VII

Injurious Effect of Misinformation

In connection with this claim of the slave power were the most shocking misrepresentations of the condition of the slaves themselves and of the social relations of the Southern people, in order to array the prejudices of the world against their cause. This course of misrepresentation had long been pursued before the war, and was not confined to American writers, but many works appeared from the British press containing libels upon the society of the Southern states and false views of slavery as established there. Such works in both countries were evidently written by persons with prejudiced minds or who knew little practically of slavery as it existed in the South. Such was the intolerance of the public sentiment which had been fostered in both countries upon the subject, that no candid and impartial account of the workings of domestic slavery as it existed in the Southern states would be received with the slightest favor, whilst the exaggerated accounts of cruelty practiced by the slave-owners, and consequent sufferings of the slaves were eagerly accepted as the truth.

A very striking evidence of this prejudice was furnished by the reception given to the works of two female writers not many years since. The one, Miss Harriett Beecher, later Mrs. Stowe, wrote a work of fiction called "Uncle Tom's Cabin," containing misrepresentations of slavery and slanders upon Southern society. Drawing upon a fertile imagination and pandering to the prejudices of the uninformed, she published the book, which had a great run in Europe as well as America, and was translated into almost all of the continental languages. The incidents contained in the book were either erroneous in point of fact or greatly

exaggerated, but the book itself was still more untrue as a picture of Southern society and slavery, and would have been a misrepresentation if every fact contained in it had been true in isolated cases. But the book was received as a true and faithful picture of society and slavery in the South, not merely by the agitators of abolition, but by that very considerable class of persons in the world who allow others to do their thinking, and when the authoress visited Great Britain, she was treated with great attention and extensively feted by the nobility, gentry and others. The view of Southern slavery which she drew is perhaps accepted by nine-tenths of the otherwise well informed persons in Europe.

In remarkable contrast to Miss Beecher's case, was that of Miss Murray, a lady of talents and refinement, who held the position of maid of honor to Queen Victoria. Miss Murray visited the United States as a tourist with all of her predilections against slavery, but she happened to be one of those persons who, not satisfied with hearsay report, took the necessary trouble to inform herself intelligently upon the subject. In the course of her travels, she went into the Southern states, where she remained for some time as a guest on some of the plantations. She had the opportunity of observing the workings of domestic slavery as it actually existed and in all of its details, and she availed herself of that opportunity to make her own reflections. In letters to friends at home she gave the result of her actual observations and upon her return to England was induced to publish her letters. These letters represented slavery in the Southern states in a very different light from that in which it was accustomed to be presented to the British public, and the consequence was that Miss Murray was notified by the ministry that it was not desirable that she should longer occupy the relation she held to the Queen, as the views she

expressed in regard to slavery were not consonant with the policy of the British government; so she was retired.

This illustrates the difference in the reception of two works on the subject of slavery given by the British public: one a work of fiction from a prejudiced writer, the other a matter-of-fact account of an eye witness of what she undertook to describe.

If British ministers could thus view the subject and be guilty of the injustice they perpetrated in Miss Murray's case, what could be expected of the great mass of British readers? It is hard to conceive how the glory or prosperity of a nation could be advanced by giving currency to fallacies, or suppressing the truth in regard to the actual condition of African slavery in the Southern states.

It would seem that as Great Britain had had so much to do with fostering the institution in those states, it would be rather gratifying, than otherwise, to its ministers and its people, to know that the descendants of those who had been ravished from their native country by the cupidity of their predecessors, were in a contented and comfortable condition. But such was not then "the policy of the government" and perhaps the philanthropic disciple of Exeter Hall who callously passed by the misery, want and immorality at her own door in the great city of London, while she shed tears over the imaginary woes pictured by Miss Beecher, would have been equally as indignant as the British ministers with Miss Murray for attempting to disabuse her of the delusion which caused those tears to flow.

Such is, and perhaps ever will be, the character of human philanthropy, that it troubles itself more about the sufferings which exist a long way off or only in imagination, than those which are before its eyes. One weeps over the trials of the hero or heroine in a novel or a play, while we pass the miserable child of want and sin in the street

with perfect indifference. If slavery did not have its evils and its wrongs, it would not be a human institution, and as long as "man's inhumanity to man makes countless thousands mourn," so long will evils and wrongs exist in every relation of human society. These exist in the relation of governor and governed, parent and child, husband and wife, master and servant, employer and employed, neighbor and neighbor, and are not excluded even from the church.

It is not pretended therefore that some masters did not abuse their servants, but these were rare instances, more perhaps than in any other relation of like, and if for no other reason, the great mass of masters were induced to treat their slaves well, because it was their interest to do so. Let any one compare the condition of the African in his native land, with that of the slaves of the South before the violent abolition of slavery, and then say whether that institution, which had produced such a vast improvement in his condition was so great a wrong after all.*

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*NOTE—Professor Draper, in his "History of the American Civil War" thus represents the condition of the negro in his native land. "The Negro in Africa."

"On the west coast of Africa, the true negro-land, the thermometer not infrequently stands at 120° in the shade. For months together it remains, night and day, above 80°. The year is divided into the dry and the rainy season; the latter setting in with an incessant drizzle, continues until May. It culminates in the most awful thunderstorms and overwhelming rains. This is particularly the case in the mountains. When the dry season has fairly begun a pestiferous miasm is engendered from the vast quantities of vegetable matter brought down into the low lands by torrents. From the fevers thus arising the negroes themselves suffer severely.

"Moisture and heat, thus so fatal in their consequences to man, give to that country its amazing vegetable luxuriance. For hundreds of square miles there is an impenetrable jungle, infested with intolerable swarms of musquitoes. The interior is magnificiently wooded. The mangrove thickets that line the river banks upon the coast are here replaced by a dark evergreen verdure, interspersed with palms and aloes. A rank herbage obstructs the

The most conclusive answer to all the slanders against Southern slave owners is to be found in the rapid multiplication of the slaves by natural increase, which could not have taken place if such barbarities had been practiced or such immorality had existed, as has been represented. Our detractors have convicted themselves of the slanders they have uttered by taking the Southern slave from the Cotton fields to the ballot box and vested him with all the privileges of an American citizen. If the institution of slavery has so tutored the negro that immediately his bonds are loosened, he is qualified for the privileges of the ballot box, what a civilizing tendency that institution must have had. If on the contrary that institution has kept him in utter ignorance of moral and Christian duty and made him the cringing, degraded creature he has been represented, what a monster must be he who proposes to vest in the untutored savage the power of governing others while the white man is disfranchised. In his native land he has never reached the dignity of a civilized being, and

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course of the streams. The crocodile, hippopotamus, pelican find here a suitable abode. Monkeys swarm in the woods; in the more gloomy recesses live the champanzee, gorilla and other anthropoid apes approaching man most closely in stature and habits of life. In the open land—the prairie of equatorial Africa—game is infrequent; there are a few antelopes and horned cattle, but no horses. Man—or perhaps more truly woman—is the only beast of burden.

"Plantains, sweet potatoes, cassava, pumpkins, ground-nuts, Indian corn, the flesh of the deer, antelope, bear, snake, furnish to the negro, his food. He lives in a hut constructed of bamboo or flakes of bark, thatched with matting or palm leaves. His villages are often pallisaded. Too lazy, except when severely pressed, to attend to the labors of the field, he compels his wives to plant the roots or seeds, and gather the scanty harvest. In hunting and in war, his main occupation, he relies upon cunning and will follow his prey with surprising agility, crawling like a snake prone upon the ground. He has little or no idea of property in land; slaves are his currency; he makes his purchase and pays his debts with them. 'A slave is a note of hand that may be discounted or pawned. He is a bill of exchange that carries himself to his desti-

he has never been civilized until transplanted into slavery. Even till this day there are native Africans who continue in a state of barbarism despite the civilizing influence of the British government and the efforts of missionaries. In the western country away from the coast and civilization, tribes of the "hinterland" practice cannibalistic rites, the victim being preferably a blood relation of the sacrificer. The unfortunates are kidnapped, then with ghoulish ceremony and weird incantations they are frightfully mutilated; while life still remains a demoniacal feast is held and human flesh consumed to offset the "Ju-Ju" or spell of evil omen. Then the victim is put out of his misery and buried so that the white man shall know nothing of the mysteries ages old, which the tribes of Africa revere; many of the victims are young women and girls, captured by members of secret societies and taken to some remote spot in the bush.

Whatever of eminence any individual of the race has attained, is due directly or indirectly to the civilizing in-

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nation, and pays a debt bodily. He is a tax that walks corporeally into the chieftain's treasury.'

"Ferocious in his amours, the African negro has no sentiment of love. The more wives he possesses the richer he is. If he inclines to traffic, each additional father-in-law is an additional trading connection; if devoted to war, an ally. His animal passions too often disdain all such mercenary suggestions; he brings home new wives for the sake of new gratifications. Fond of ornaments, his prosperity is displayed in thick bracelets and anklets of iron or brass. An old European hat or a tattered dress-coat, without any other article of clothing is a sufficient badge of kingship. He inclines to nocturnal habits. He will spend all the night lolling with his companions on the ground at a blazing fire, though the thermometer may be at more than 80°, occupying himself in smoking native tobacco, drinking palm wine and telling stories about witches and spirits. He is an inverate gambler, a jester and a buffoon. He knows nothing of hero-worship; his religion is a worship of fetiches.

"They are such objects as the fingers and tails of monkeys, human hair, skin, teeth, bones, old nails, copper chains, claws and

fluence of the institution of slavery. It was the master of slaves who accomplished the greatest missionary success and the progress of his ward since is due to the training and influence of the past.

Foreign people have said that if the Confederate Government had freed the slaves, it might have been recognized by European nations. Such persons should recall that when Don Quixote freed the galley slaves he had then to defend himself against them—they would see the absurdity of such an idea. What could the people of the South have done in the prosecution of the war if 3,000,000 slaves had been turned loose among them and the whole labor system of the country deranged?

Our victors say that having submitted "to the arbitrament of arms," and having been overcome, the question of right has been decided against us, and that we are a conquered people who must submit to the fate of the conquered; but though the gordian knot was cut with the sword, constitutional questions cannot be solved in the same

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skulls of birds, seeds of plants. He believes that evil spirits walk at the sunset hour by the edge of forests; he adores the devil, who is thought to haunt burial-grounds and, in mortal terror of his enmity, leaves food for him in the woods. He welcomes the new moon by dancing in her shine. Whatever misfortune or sickness befalls him, he imputes to sorcery and punishes the detected wizard or witch with death. He determines guilt by the ordeal of fire: the accused who can seize a red-hot copper ring without being burned is innocent. His medicine-man—a wind raiser and rain-maker—pursues his main business of exorcism in a head-dress of black feathers, with a string of spirit-charms around his neck and a basket of snake-bone incantations. The more advanced tribes have already risen to idol worship; they adore grotesque figures of the human form, and following the course through which intelligence in other races has passed, they have wooden gods who can speak and nod and wink.

In this deplorable, this benighted condition, the negro nevertheless shows tokens of a capacity for better things. He is an eager trader, and knows the value of his ebony, bar-wood, beeswax, palm oil, ivory. He has learned how to cheat; nay, more, infrequently

way, such a view would but prove the wrong of the whole doctrine of coercion. The Constitution created by sovereign states, whatever the powers delegated, could never have contemplated the possibility of one of those states being reduced to the condition of a conquered province. That Constitution was as binding in those states, which remained after the secession of the Southern states as before, and it was as much an outrage to make war upon those latter for the act of secession, as it would have been to have destroyed their existence as states while they remained in the Union.

It is true that the South claimed to be a sovereign independent people after their withdrawal, and were so by every principle of right and justice, but that position did not authorize the making of war against them. A counterclaim was that the seceding states had no right to withdraw, and therefore those arrayed in opposition undertook to compel them to submission to the rule and laws of the Union: upon that ground alone could they justify the war. They were the aggressors and disregarded the Con-

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he can out-cheat the white man. He can adulterate the caoutchouc and other products he brings down to the coast and pass them off as pure. His color secures him from the detection of a blush when he lies. Though utterly ignorant of any conception of art, he is not unskillful in the manufacture of cooking pots and tobacco pipes of clay; he has a bellows-forge of his own invention; he can reduce iron from its ores and manufacture it. He makes shields of elephants' hide, cross-bows, and other weapons of war. But in the construction of musical instruments his skill is chiefly displayed. From drums of goat-skins, from harps and gourds, he extracts their melancholy sounds and disturbs the nocturnal African forests with his plaintive melodies.

"It has been affirmed by those who have known them well, that the equatorial negro tribes do not increase but tend to die out spontaneously. This is attributed to infanticide and to the ravages of miasmic fever, which in its most malignant form will often destroy its victim in a single day. Even though quinine be taken as a prophylactic no white man can enter their country with impunity. The night dews are absolutely mortal."

stitution and the Union and they also were the ones who violated the principle and precept of that Constitution, which they were sworn to support and defend.

The doctrine has been broached that the highest law that can exist is that established by force of arms. That the red-handed conquerors or the armed robber on the highway should assert this, is not to be wondered at, but when it comes from the men who have been compelled to yield to force of arms while struggling for the right, the mantle of charity should be allowed to fall over the weakness which cannot resist the temptations of adversity.

In regard to this question of submitting our rights to "the arbitrament of arms," much irrational language has been used and very erroneous opinions have been expressed as to the result. There was never a greater mistake of terms or perversion of language than that made in saying that the Southern states submitted their right to be withdrawn from the Union to the arbitrament of arms or having lost, that the question of right has been decided against them. Those states proposed to withdraw peaceably, tendered a peaceful solution of all of the questions which might arise out of their former relations to the United States government. That government declared a war of coercion, and the Southern states of necessity resorted to arms to defend their rights and homes when most wrongfully and unjustly invaded. In no sense can they be said to have submitted any of their rights to the arbitrament of arms any more than the traveller on the highway submits his money to the arbitrament of arms between himself and the robber, and the result of the war decided no question of principle, but simply furnished another instance of the fact that in this world, the truth does not always prevail and that might is often more powerful than right.

Not only has the question of right not been decided by the arbitrament of arms, but the proposition that "The voice of the people is the voice of God" is no better established now than on that memorable occasion when the people cried "crucify him! crucify him!"

ERRATA

Page 51, line 17—
"obitu" should be "obitur."

Page 58, lines 15 and 19—
"Elden" should be "Eldon."

Page 77, line 11—
the letter "a" should be inserted before the word "felony."

Page 82, line 26—
"interferfence" should be "interference."